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[Dr. P. Subbarayan]

"I may inform the House that the same proportion that is being observed in the subsidies that are being given will be observed in the case of subsidies to be given hereafter."

MR. C. RAMASOMAYAJULU :—"Sir, I do not want to oppose the grant of Rs. 85,000 ; but I want to express my sense of the inadequacy of the grant especially to the East Godavari district. Apparently the hon. the Minister

12-45 p.m.

The hon. DR. P. SUBBARAYAN :—"Sir, the hon. Member may not continue his speech if I tell him that the amount allotted in the grant is exactly the same as the President of the East Godavari District Board had telegraphed for and said he could spend this year. For next year we are making separate provision in the Budget."

MR. C. RAMASOMAYAJULU :—"I have no objection, Sir."

The demand was put to the House and carried and the grant was made.

V

A BILL FURTHER TO AMEND THE MADRAS CIVIL COURTS ACT, 1873.

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I introduce a Bill * further to amend the Madras Civil Courts Act, 1873, and move that the Bill be taken into consideration at once."

The hon. MR. S. MUTHIAH MUDALIYAR :—"I second it."

* Rao Bahadur Sir A. P. PATRO :—"Sir, I have to oppose the motion for taking into consideration at once this Bill. It is a very important measure and it is highly desirable that the several aspects of it should be considered in the Select Committee. I move that the consideration of this Bill be postponed."

MR. T. K. CHIDAMBARANATHA MUDALIYAR :—"I second it."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I thought it was a simple matter, a mere technical Bill ; but since my hon. Friend objects to it, I have no objection to withdraw the motion and come forward with a motion later on for consideration of the Bill in a Select Committee."

The motion was by leave of the House withdrawn.

VI

A BILL TO AMEND THE MADRAS UNIVERSITY ACT, 1923.

The hon. DR. P. SUBBARAYAN :—"I move that the Bill to amend the Madras University Act be passed into law."

The hon. MR. S. MUTHIAH MUDALIYAR :—"I second it."

The hon. DR. P. SUBBARAYAN :—"Sir, the passing of this Bill into law was deferred last time in order to see whether any amendments were necessary to put the Bill into proper shape. I have accordingly given notice of several amendments which have been in the hands of hon. Members. Most of them are of a formal nature and I move them in the order given in the agenda.

Clause 1.

"I move that for the figures '1928' in line 2 the figures '1929' be substituted."

* Published in the *Port St. George Gazette* on 4th December 1928 as Bill No. 18.

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The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The amendment was put to the House and carried.

Clause 2.

Sub-clause (ii)

The hon. Dr. P. SUBBARAYAN :—" I move the following amendment :—

' In line 4 for the words ' *Madras University* ' substitute the words ' *University of Madras.* '

In line 7 omit the figures and word ' VIII of ' and insert the words and figures ' Act VIII of 1904 ' in the margin."

* The hon. the PRESIDENT :—" I do not think it is necessary. The Council does not make amendments to the marginal notes."

The hon. Dr. P. SUBBARAYAN :—" I agree to omit it, Sir. I move the next amendment also."

' In lines 7 and 8, for the words " *excluding such limits as have been or may be taken away* " substitute the words " *excluding such areas as may be taken away* "."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The amendments were put to the House and carried.

The hon. Dr. P. SUBBARAYAN :—" Sir, I next move the following amendment :—

" *Re-number sub-clauses (vi) and (vii) as (vii) and (viii) respectively and insert the following as sub-clause (vi), namely :—*

" *(vi) in clause (g), for the words ' constituent college or of an affiliated college ' the words ' constituent, affiliated or oriental college ' shall be substituted "*

" Sir, a difficulty may arise whether the definition of ' Teachers ' in clause 2 (j) and subsequent clauses will apply to oriental colleges. This difficulty may be overcome by inserting the words ' oriental colleges ' in the several clauses applicable to such colleges."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The amendment was put to the House and carried.

Sub-clause (vii) as re-numbered.

The hon. Dr. P. SUBBARAYAN :—" Sir, I move—

That in sub-clause (vii) as so re-numbered, in line 5, for the words " or affiliated colleges ", the words " affiliated or oriental colleges " be substituted.

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The amendment was put to the House and carried.

Clause 4.

The hon. Dr. P. SUBBARAYAN :—" Sir, I move—

That in new section 4-A, sub-clause (2), for the words " and maintain " the words " mantam and manage " be substituted."

" This amendment seeks to bring this sub-clause into line with other clauses."

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The hon. Mr. S. MUTHIAH MUDALIYAR:—"I second it"

The amendment was put to the vote and carried.

* The hon. the PRESIDENT:—"I think it will be convenient if the Opposition mentions to me to which clauses they desire to give their serious consideration."

Mr. K. R. KARANT:—"I think it is better that the whole Bill goes before the Select Committee once more; there are so many amendments."

Mr. G. HARISARVOTTAMA RAO:—"There is an extraordinary list of amendments."

* The hon. the PRESIDENT:—"Yes, eleven printed pages of amendments for the third reading of the Bill."

The following amendments were then put to the House one after another, and carried:—

Amendments.

Sub-clause (3).

For the words 'and affiliated colleges', substitute the words 'affiliated and oriental colleges'.

Sub-clause (5).

After the word 'degrees,' insert the words 'titles, diplomas and other academic distinctions'.

Sub-clause (6).

In line 1, after the word 'degrees', insert the words 'titles, diplomas, and

In line 4, for the words 'or in an affiliated college', substitute the words 'affiliated or oriental college'.

Sub-clause (8).

For sub-clause (8), substitute the following sub-clause:—

"(8) (a) to institute, maintain and manage constituent colleges, to recognize colleges not maintained by the University as constituent colleges, to allow colleges recognized by the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by such recognition and any further rights conferred by or under this Act and to withdraw recognition from colleges;

(b) to approve institutions as oriental colleges, to allow institutions approved by the University before the passing of this Act to continue to exercise the rights and privileges conferred on them by such approval and any further rights conferred by or under this Act until such time as they may be transferred to other universities and to withdraw approval from institutions."

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Clause 5.

For sub-clause (i), substitute the following sub-clause, namely:—

“(i) for the words ‘creed or class’, the words ‘creed, class, or political views’ shall be substituted, and”.

Clause 7.

In lines 2 and 3, for the words ‘maintained or recognized’, substitute the words ‘maintained, recognized or approved’.

Clause 8.

Item (5).

In line 1, for the word ‘officers,’ substitute the word ‘persons’.

Clause 11.

Sub-clause (i).

In line 4, for the words ‘by Statutes’, substitute the words ‘by the statutes’.

Clause 13.

Sub-clause (1).

In the last line, for the word ‘Statutes’, substitute the words ‘the Statutes’.

Sub-clause (2).

* The hon. Dr. P. SUBBARAYAN:—

“In line 2, omit the words ‘by statutes’.”

Mr. S. SATYAMURTI:—“Sir, I find that the amendment is to omit the words ‘by statutes’. That will leave the words ‘as may be prescribed’ meaning thereby either by statutes or regulations or ordinances. No doubt this cannot be prescribed by regulations, because this is an academic matter. It may be prescribed by ordinances I object to that course. Ordinances are made by the Syndicate in the first instance, although the Senate has got the reserve power to repeal or amend such ordinances. I think that the statutory power to authorize the registrar to perform certain duties and confer certain powers on him should vest in the Senate which is the supreme governing body and which is the only authority which can make statutes. Otherwise, if this is removed, a mere executive body can vest the Registrar with several important powers and duties. I would, therefore, commend to the hon. Minister for Education the desirability of leaving the Act as it is without omitting the words ‘by statutes’. I see no reason why statutes cannot be made to regulate this rather important matter of vesting certain powers and duties in the Registrar.”

1 p.m. The hon. Dr. P. SUBBARAYAN:—“Mr. President, Sir, I have given notice of this amendment to give the same position to the powers of the Registrar as the powers of the Vice-Chancellor. The hon. Member will see that in section 12 (6) of the Act of 1923 it is stated that the Vice-Chancellor shall exercise such other power as may be prescribed. The Vice-Chancellor is a much bigger person than the Registrar. I thought, if the Vice-Chancellor can come under the ordinances, regulations and statutes why the

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Registrar should not be brought under the same regulations, ordinances and statutes. That is why this amendment is brought forward."

The amendment was adopted.

The following amendments standing in the name of the hon. Dr. P. Subbarayan were put one after another and carried:—

Clause 15—Class II—Life Members—Sub-clause (1).

In line 2, for the word 'appointed' substitute the word 'nominated'.

In line 4, after the word 'education' add the word 'and'.

Clause 15—Class III—Other Members.

Sub-clause (2).

In line 2, for the words 'ten at least' substitute the words 'not less than ten'.

Sub-clause (10).

In the last line, after the word 'period' insert the words 'and the same provision shall apply in all cases of vacancies arising before the expiry of such period.'

Sub-clause (b)—First proviso.

For the word 'body' in both the places where it occurs, substitute the word 'electorate'.

In line 4, for the words 'such a member' substitute the words 'such member'.

Sriman BISWANATH DAS Mahasaya:—"Sir, most of us got the list of amendments just to-day. So we have not applied our minds to them, though we do not object to have them considered. We must frankly confess that we have not applied our minds."

The hon. the PRESIDENT:—"Shall we take up the consideration of this Bill to-morrow?"

Mr. J. A. SALDANHA:—"Sir, the printed list was sent to us to-day. Type-written copies were sent to us before. Those who wanted to apply their minds could have done so." (Laughter).

The hon. Dr. P. SUBBARAYAN:—"We can go on."

Mr. S. SATYAMURTI:—"Provided we do not go so quickly, if I may say so respectfully. It is difficult to follow."

The following amendments standing in the name of the hon. Dr. P. Subbarayan were put one after another and carried:—

Second proviso.

In line 4, after the word 'Senate' insert the words 'ex-officio'.

In line 5, before the words 'to the Vice-Chancellor' insert the words 'and communicated'.

In line 8, omit the word 'previous' occurring before the words 'election or nomination'.

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Sub-clause (c).

In line 2, omit the words 'under the preceding sub-section'.

In line 3, for the words 'University authorities', substitute the words 'authorities of the University'.

Clause 17.

Sub-clause (3).

In line 2, for the words 'and affiliated colleges', substitute the words 'affiliated and oriental colleges'.

Sub-clause (9).

Sriman BISWANATH DAS :—"Sir, I beg to move the following amendment :—

Add the following at the end :—

'especially in Indian system of medicine'.

"I move that the abovementioned words be added at the end of sub-clause (9) of clause 17 of the Bill. In so doing I commend this amendment to the consideration of the House for the following reasons. It is rather a misfortune that the claims of the Indian system of medicine has been relegated to the background by the Government. I think that the Indian School of Medicine which was started three or four years ago has been kept unnoticed both by the Members of this House and also by the Government. It is therefore necessary that it should be given a distinct status and recognition by the University and in the University Act. Therefore it is in the fitness of things that starting of laboratories and research work in the Indian system of medicine should not be lost sight of and it should be given the prominence which it deserves. With these words I commend my amendment to the consideration of the House."

Mr. P. BHAKTAVATSULU NAYUDU :—"I second the amendment."

The hon. Dr. P. SUBBARAYAN :—"Mr. President, Sir, I do not think it is necessary to introduce these words in the Bill, because the clause itself as it is drafted is wide enough and gives this power to the University. If you add these words you will be restricting the powers of the University to start research laboratories. I do not think it is necessary to restrict the powers of the Senate. If really the Senate is interested in starting any research work in Indian system of medicine, there is nothing in the Act to prevent them from doing so. I do not think we should restrict their powers."

(Sriman Biswanath Das rose to reply.)

The hon. the PRESIDENT :—"The hon. Member has no right of reply."

Mr. K. KOTI REDDI :—"Sir, I know that the provision in the Act is wide enough to include the Indian system of medicine. In order to draw the particular attention of the Government as well as the University it is desirable that these words should be inserted. Nothing is really lost by so doing. On the other hand, we would gain a good deal by drawing the prominent attention of the Government and the University because some of us are very keen on the matter. I hope the hon. Minister will accept the amendment."

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The amendment was put and declared carried.

A poll was demanded and the House divided thus :—

Ayes.

- | | |
|-----------------------------------|--|
| 1. Mr. Sami Venkatachalam Chetti. | 20. Mr. P. Bhaktavatsulu Nayudu. |
| 2. " S. Satyamurti. | 21. Sriman Biswanath Das Mahasayo. |
| 3. " C. V. Venkataramana Ayyangar | 22. Mr. A. Kaleswara Rao. |
| 4. " T. Adinarayana Chettiyar. | 23. " R. Srinivasa Ayyangar. |
| 5. " P. Anjaneyulu. | 24. " K. Koti Reddi. |
| 6. " P. C. Venkatapathi Raju. | 25. " L. K. Tulasiram. |
| 7. " J. A. Saldanha. | 26. " C. Marudavanam Pillai. |
| 8. " Abdol Hamid Khan Sahib. | 27. " K. V. Krishnaswami Nayakar. |
| 9. " C. S. Govindaraja Mudaliyar. | 28. " K. Madhavan Nayar. |
| 10. " G. Harisarvottama Rao. | 29. " B. Venkataratnam. |
| 11. " C. N. Muthuranga Mudaliyar. | 30. " A. Ranganatha Mudaliyar. |
| 12. " K. V. R. Swami. | 31. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 13. " D. Narayana Raju. | 32. Mr. Ramanath Goenka. |
| 14. " K. Uppi Sahib. | 33. " R. Nagan Gowda. |
| 15. " K. R. Karant. | 34. " Chayadi K. Subrahmanya Pillai. |
| 16. " Mothay Narayana Rao. | 35. " K. G. Venkatarama Ayyar. |
| 17. " C. Obi Reddi. | 36. " K. P. Raman Menon. |
| 18. " A. Parasurama Rao Pantulu. | 37. " B. Ramachandra Reddi. |
| 19. " C. Ramasomayajulu. | |

Noes.

- | | |
|---|--|
| 1. The hon. Sir Norman Macjoribanks. | 28. Mr. T. M. Narayanaswami Pillai. |
| 2. " Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 29. " N. Siva Raj. |
| 3. " Mr. T. E. Moir. | 30. " M. V. Gangadhar Siva. |
| 4. " Diwan Bahadur M. Krishnan Nayar. | 31. " L. C. Guruswami. |
| 5. " M. R. Setnamnam Ayyar. | 32. " V. I. Munuswami Pillai. |
| 6. " Mr. S. Mutiah Mudaliyar. | 33. " W. P. A. Soundara Pandia Nadar. |
| 7. " Dr. P. Subbarayan. | 34. " S. Subrahmanya Mooparar. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 35. " Daniel Thomas. |
| 9. Khan Bahadur Muhammad Bazul-ulah Sahib. | 36. " S. Venkiah. |
| 10. Mr. H. A. Watson. | 37. Raj Sahib M. Hampayya. |
| 11. " C. A. Souter. | 38. Rao Sahib R. Srinivasan. |
| 12. " S. H. Slater. | 39. Mr. W. E. Smith. |
| 13. " A. McG. C. Tampoe. | 40. " F. E. Corley. |
| 14. " C. W. E. Cotton. | 41. " K. E. James. |
| 15. " V. Ch. John. | 42. " S. N. Dorai Raja. |
| 16. " M. A. Manikkavelu Nayakar. | 43. " S. Arpudaswami Udayar. |
| 17. " Syed Tajudin Sahib. | 44. " K. Ramachandra Padayachi. |
| 18. " C. D. Arpavu Chettiyar. | 45. " U. Ramaswami Ayyar. |
| 19. " A. Balakrishna Shetti. | 46. " G. K. Premnaya. |
| 20. " J. Bheemayya. | 47. Swami A. S. Sahajanandam. |
| 21. " J. A. Davis. | 48. Rao Bahadur Sir A. P. Patro. |
| 22. " R. Foulkes. | 49. Diwan Bahadur P. C. Ethirajulu Nayadu. |
| 23. " P. J. Gnanavaram Pillai. | 50. Rao Bahadur S. Ellappa Chettiyar. |
| 24. " Muhammad Shamsud Sahib | 51. Khan Bahadur S. K. Abdul Razack Sahib. |
| 25. The Muppil Nayar of Kavalappara | 52. Rao Bahadur B. Munuswami Nayudu. |
| 26. Subedar-Major S. A. Nanjappa Bahadur. | 53. Mr. K. Sarabha Reddi. |
| 27. Rao Bahadur O. M. Narayanan Namudipad. | 54. The Kumara Raja of Venkatagiri. |
| | 55. Mr. A. V. Bhanaji Rao. |

Ayes 37. Noes 55.

The amendment was lost.

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The following amendments standing in the name of the hon. Dr. P. Subbarayan were put one after another and carried :—

Clause 17—Sub-clause (11).

In line 3, for the words ‘and affiliated colleges’ substitute the words ‘affiliated and oriental colleges’.”

Sub-clause (13).

After the word ‘degrees’ add the words ‘titles, diplomas and other academic distinctions’.”

Sub-clause (14).

In line 1, after the word ‘degrees’ insert the words ‘titles, diplomas’.”

Item (a).

“For the words ‘or in an affiliated college’, substitute the words ‘affiliated or oriental colleges’.”

Sub-clause (18).

* The hon. the PRESIDENT:—“The following amendment of the hon. Dr. P. Subbarayan is for the consideration of the House :—

“For the words and figure ‘specified in section 4 (A) of this Act’ substitute the words ‘of this Act not otherwise provided for’.”

Mr. S. SATYAMURTI:—“Will the hon. the Minister kindly explain what is intended by this amendment?”

The hon. Dr. P. SUBBARAYAN:—“The phrase ‘for all or any of the purposes specified in sub-clause (18) of new section 16’ is rather vague. Since the Senate has been given power to prescribe the fees to be charged for recognition of colleges, etc., the expression ‘all or any of the purposes of this Act not otherwise provided for’ is the most suitable.”

* Mr. S. SATYAMURTI:—“I am afraid my hon. Friend’s explanation has not taken us very far. As hon. Members will notice this clause is intended to substitute section 16 of the Act which defines the powers of the Senate. One of those powers prescribed in sub-section (18) of this section is that ‘the Senate shall have power to prescribe the fees to be charged for the recognition and affiliation of colleges, for admission to the examinations, degrees and diplomas of the university, for the registration of the graduates and for all or any of the purposes specified in section 4-A of this Act’. Section 4-A of this Act, hon. Members will notice, is a new section accepted by this House to form part of the University Act of 1923 defining in a very comprehensive manner all the powers which the University shall have. I really fail to understand how the substitution of the new words ‘of this Act not otherwise provided for’ improves the situation as it is now found in the wording of section 18. Unless the hon. Minister has got something in his mind which is not provided for in section 4-A, I cannot see any purpose for which the University will be called upon to prescribe fees. If my hon. Friend can convince the House that there is likely to arise a need for any powers which are not provided for in section 4 A, I will consider it. The provision under section 4-A is comprehensive enough. It empowers the

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Senate to do all such acts as may be necessary or desirable to further the objects of the university. I do not see therefore why we should now change the words in section 4-A of this Act.

"There is also a substantial objection. The provision confers powers on a subordinate authority created by us. I think it is a well understood canon of legislation that we should be very precise in the nature and extent of the powers we seek to confer on subordinate bodies. I would therefore commend to my hon. Friend the Minister to leave the wording exactly as it is, because it defines the purposes for which it can be done, whereas, if power is given, for example, to prescribe fees for any purposes under the Act not provided for, it makes it indefinite, at any rate more indefinite than if section 4-A is left there. I would suggest that this amendment is not called for and may work some mischief."

The amendment was by leave withdrawn.

Clause 18.

* The hon. the PRESIDENT:—"The following amendment given notice of by the hon. Dr. P. Subbarayan was put and carried.

"In the third line, before the figure '(1)' insert the figure '(17)'."

Clause 19.

The hon. the PRESIDENT:—"The hon. Dr. Subbarayan's amendment to clause 19 is for the consideration of the House. It runs as follows:—

For clause 19, substitute the following clause, namely:—

"19. (1) *The paragraphs of section 18 of the said Act except the last paragraph shall be lettered as sub-section (a) of section 18 and in the sub-section as so lettered, under the head 'Class II—Other Members'—*

(a) *in clause (1) the words 'of whom not less than three shall be teachers of affiliated colleges' shall be added at the end;*

(b) *clause (3) shall be omitted and clause (4) re-numbered as (3); and*

(c) *after clause (3) as so re-numbered, the following proviso shall be inserted, namely:—*

'Provided that no whole-time University Professor or whole-time teacher of the University shall be eligible for election or nomination as a member of the Syndicate.'

(2) *For the last paragraph of the said section, the following sub-sections shall be substituted, namely:—*

(b) *Save as otherwise provided, elected and nominated members of the Syndicate shall hold office for a period of three years from the date of the election or nomination as the case may be;*

'Provided, however, that no member elected in his capacity as a member of a particular electorate shall hold office for a longer period than three months after he has ceased to be such member unless meanwhile he again becomes a member of that electorate;'

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' Provided also that where an elected or nominated member of the Syndicate is appointed temporarily to any of the offices by virtue of which he is entitled to be a member of the Syndicate ex-officio ;'

' he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Syndicate by virtue of his election or nomination or whether he will vacate office as such member and become a member ex-officio by virtue of his appointment and the choice shall be conclusive. On failure to make such choice, he shall be deemed to have vacated his office as an elected or nominated member ;'

' Provided also that a member of the Syndicate shall cease to be a member if he subsequently becomes a whole-time University Professor or whole-time teacher of the University.

(c) When a person ceases to be a member of the Syndicate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Syndicate.'

The hon. Dr. P. SUBBARAYAN :—" These are only drafting amendments, Sir."

Mr. S. SATYAMURTI :—" May I make one submission, Sir ? "

The hon. the PRESIDENT :—" Please wait. I think Mr. Satyamurti's amendment is a substantial amendment and if that is carried there must be a consequential drafting amendment. Let us fix the procedure."

* Mr. S. SATYAMURTI :—" I do not think that so far as the words in the hon. Minister's amendment beginning with 19 (1) (c) are concerned, anything need be altered. That portion I have not touched in my amendment. Therefore, if my amendment is accepted by this House, it will only mean that that will take the place of the amendments of my hon. Friend, the Chief Minister to 19 (1) (a) and (b). The proviso relating to University professors, etc., I have not touched. The House can deal with it on its merits. My amendment merely touches the composition of the Syndicate."

* The hon. the PRESIDENT :—" We shall make the hon. Dr. P. Subbarayan's amendment the primary amendment and then Mr. Satyamurti may move his amendment to it."

* Mr. S. SATYAMURTI :—" It will be suitable, Sir, and convenient."

* The hon. the PRESIDENT :—" Mr. Satyamurti may now move his amendment as an amendment to Dr. Subbarayan's amendment."

* Mr. S. SATYAMURTI :—" I must guard myself and seek your protection in drafting my amendment suitably."

* The hon. the PRESIDENT :—" The hon. Member will have to make the necessary changes in his amendment."

* Mr. S. SATYAMURTI :—" I am not an expert in drafting amendments at short notice."

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* The hon. the PRESIDENT:—"As it is not likely that the House will dispose of this before lunch, it will be convenient to postpone this and dispose of the amendments to the subsequent clauses. During the lunch interval the Secretary will assist the hon. Member in drafting his amendment to be moved after lunch. It will be better if consideration of all the amendments to clause 19 is postponed till then."

The consideration of the amendments were accordingly postponed after lunch.

The following amendments of the hon. Dr. P. Subbarayan were put and carried:—

Clause (20).

Item (a).

In line 1, omit the word 'to' occurring before the words 'amend or repeal'.

Item (f).

For the words 'funds and properties', substitute the words 'properties and funds'.

Item (g).

In line 1 and in clause (h) in line 2, after the word 'Professors' insert the words 'and Readers'.

The hon. Dr. P. SUBBARAYAN moved—

'In item (j) in the last line, for the word 'therefrom' substitute the words 'from hostels'.'

Mr. S. SATYAMURTI:—"With regard to this I should like to have some light from the hon. Minister as to what exactly he means."

The hon. Dr. P. SUBBARAYAN:—"This will make our intention more clear."

Mr. S. SATYAMURTI:—"May I ask my hon. Friend whether the power to withdraw recognition from oriental colleges has been put into this Bill? I have my own doubts about it."

The hon. Dr. P. SUBBARAYAN:—"The hon. Member will please look into item (k)."

* Mr. S. SATYAMURTI:—"Item (k) refers only to inspection. I think it is much better to have 'therefrom'. We shall have the benefit of ambiguity."

The amendment was by leave withdrawn.

The following amendments of the hon. Dr. P. Subbarayan were then put and carried:—

Item (k).

For the words 'constituent colleges, hostels and affiliated colleges', substitute the words 'constituent, affiliated and oriental colleges and hostels.'

Item (l).

In line 2, for the words 'constituent and affiliated colleges', substitute the words 'constituent, affiliated and oriental colleges.'

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Item (r) sub-Item (i).

The hon. Dr. P. SUBBARAYAN moved—

“In line 1, after the word ‘examiners’, insert the words ‘and assistant examiners’.”

Mr. S. SATYAMURTI :—“May I know why this addition is sought to be made?”

The hon. Dr. P. SUBBARAYAN :—“To make it more complete the words ‘assistant examiners’ have been included.”

* Mr. S. SATYAMURTI :—“We have in the University not only examiners and assistant examiners, but also additional and special examiners. This amendment seems to be unnecessary.”

The hon. Dr. P. SUBBARAYAN :—“Since the Advocate-General also thinks so, I have no objection to withdraw this amendment.”

The amendment was by leave withdrawn.

Item (r) sub-item (ii).

The hon. Dr. P. SUBBARAYAN moved—

“For the word ‘fees’, substitute the word ‘remuneration’.”

Mr. S. SATYAMURTI :—“What is the difference between ‘fees’ and ‘remuneration’?”

The hon. Dr. P. SUBBARAYAN :—“I think it is a better term.”

The amendment was put and carried.

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

Clause 19.

* Mr. S. SATYAMURTI :—“I beg to move the following amendment to the hon. the Chief Minister’s amendment :—

“For sub-clause (a), substitute the following—

“In clause (2) for the word ‘three’ the word ‘six’ shall be substituted and at the end of clause (2), the following words shall be added :—

‘of whom three shall be teachers of affiliated colleges and the rest shall be persons other than teachers of affiliated colleges.’

“The rest of the amendment will stand as it is. I will explain the difference between the amendment of the Chief Minister and mine. The Chief Minister’s amendment seeks to reduce the strength of the Syndicate from 19 to 16 and reduces the representation of the Senate on the Syndicate in this manner. The total shall be eight, of whom three shall be teachers of affiliated colleges. On the other hand, Mr. President, my amendment provides that the representation of the Senate on the Syndicate will continue as it is, eight, but that the representation of the Academic Council on the Syndicate shall be raised from three to six of whom three shall be teachers of affiliated colleges and three others other than teachers of affiliated colleges. I beg to move my amendment for the acceptance of the House. My amendment is consequential on the abolition of the council of affiliated colleges by a vote of the House.”

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Mr. J. A. SALDANHA :—" I beg to second it."

The hon. Dr. P. SUBBARAYAN :—" Mr. President, I made it clear during the discussion of the second reading of the Bill that I had no objection to it and now that the consequential amendment has been made I have no objection to accept it."

The amendment was put and carried.

• The amendment of the hon. Dr. P. Subbarayan as amended by the amendment of Mr. S. Satyamurti was then put to the House and carried.

Sub-clause (a) (iii).

* Sriman BISWANATH DAS Mahasaya :—" I beg to move—

" In lines 3 and 4, omit the words ' whole time '.

" In doing so I have to place the following facts for the consideration of the Council. The proviso proposes that the professors of the University may be eligible as members of the Syndicate. These professors may either be whole-time or part-time officers. The Syndicate wields very great power and is the executive authority of the Senate. To illustrate my position I state that the professors whom the Syndicate has to appoint are thus the would-be members of the Syndicate some day. So this approximates to the theory of the servant practically becoming the master himself one day. That is a position which this Council should not tolerate. Then the Syndicate has got the power of not only appointing professors, assistant professors and lecturers, but has also got the power of appointing persons as examiners, paper-setters and so on. So these professors I take it are to be selected by themselves. Under these circumstances I propose the omission of the word ' whole time '."

Mr. BASHEER AHMED SAYEED :—" I second it."

The hon. Dr. P. SUBBARAYAN :—" I am afraid I shall have to oppose this amendment because whole-time professors are different from part-time. If this amendment is carried no academic element will be represented in the Syndicate at all. Because most of the members of the Syndicate are readers or part-time officers who are not servants as they are not people doing lecturing work. So I oppose the amendment."

The amendment was put and lost.

The following amendments of the hon. Dr. P. Subbarayan were put and carried:—

Class I—Ex-officio Members.

Item (x).

For the words ' the Statutes, the Ordinances or the regulations ' substitute the words ' or the Statutes, Ordinances or Regulations '.

Clause 21.

In line 1, for the words ' heading of ', substitute the words ' heading to '.

Clause 22.

For the figures ' (i) ', ' (ii) ', and ' (iii) ' distinguishing the sub-sections of new section 23, substitute letters ' (a) ', ' (b) ', and ' (c) ' respectively.

In sub-section (a), as so lettered, in clause (9) of class I, in line 2 at the end, after the figure ' 14 ', insert the word ' and '.

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Sriman BISWANATH DAS Mahasayo :—"I beg to move—

"Add the following as new item (11)—

'The Principal of the Indian School of Medicine.'

"Sir the amendment proposes to include among the members of the Academic Council the Principal of the Indian School of Medicine as an ex-officio member. Looking into the constitution of the Academic Council, hon. Members of this House will please see that about six principals of second-grade colleges, principals of all first-grade colleges and also the Principal of the Medical College are members of the Academic Council. This Academic Council has important functions so far as research, teaching, etc., are concerned. Under the University Act it has to recommend to the Senate the schemes of constitution and reconstitution of teaching, and to promote research, and call for reports of such research from persons engaged in it and then recommend to the Syndicate thereon. They have to recommend also the examiners and the assistant examiners. It has been our hope to see that the Indian system of medicine is given its due share in the educational development and activities of this province.

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"Unfortunately, Government have not given due consideration to this subject though the Usman Committee recommended this as long ago as 1923. In this connexion I wish to draw the attention of hon. Members to page 44, paragraph 16, of the said report, wherein specific recommendations have been made on this subject. The illustrious authors of the report recommend 'An Indian university may well be expected to interest itself in the promotion of Indian medicine by adopting such measures as the following :—

- (i) Establishment of a University Chair of Indian Medicine.
- (ii) Providing for post-graduate lectures and courses
- (iii) Establishment of a Faculty of Indian Medicine with a corresponding Board of Studies, Examination Boards, and so on.
- (iv) Founding of Research fellowships and scholarships.

"So, nothing of these could be done unless you give the Principal of the Indian School of Medicine a status, which is so essential and necessary for the purpose of encouraging Indian medicine. It is also essential to give effect to the recommendations of the Usman Committee after five years of its publication. Under these circumstances I propose that the Principal of the Indian School of Medicine should be included as item 11 in clause 22."

Mr. BASHEER AHMED SAYEED :—"I second the motion, Sir."

*The hon. Dr. P. SUBBARAYAN :—"I am afraid I cannot accept this amendment, because the Indian School of Medicine is not one of the institutions affiliated to the University of Madras. The Madras University does not, at present, conduct examinations in the Indian system of medicine. When that time comes, I am sure there will be a place for the Principal of the Indian School of Medicine. As long as the University remains a university catering for western methods, I cannot understand how the Principal of the Indian School of Medicine has to be given a place in the Academic Council. If the Principal of the Indian School of Medicine is going to be ex-officio there are other principals, such as the principals of oriental colleges, who teach students for the University examinations in Vidwan, Siromani, etc., who do not find a place there. They will have more claims than the Principal of the Indian School of Medicine. Under these circumstances, I am afraid I cannot accept this amendment."

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* **Mr. C. RAMASOMAYAJULU** :—" I am sorry that the Chief Minister wants us to wait until the examinations are conducted by the University. Unless he accepts motions of this sort, which will give impetus and status to the branch of Indian medicine in university culture, time will never come for the university to conduct examinations in Indian medicine. It is therefore no logic to say they will have to wait till the examinations are conducted to have representation in the Academic Council. If we accept the advice of the Chief Minister, we will have to wait till doomsday. This is one of the steps by which we may be able to advance the cause of Indian medicine. If the hon. Minister accepts this amendment, it will be taking us one more step in advance in the instruction of Indian medicine."

Dr. B. S. MALLAYYA :—" I am really surprised at the statement of the hon. the Minister. The present Principal, Sir, is a first-class graduate. He is also a graduate in law; he has got triple qualifications and he has the unique distinction of having blended the eastern system of medicine with the western system and he is trying to bring it up to date. I find that more of western medicine is taught there to the students than Indian medicine. Moreover, there was a proposal recently in the University of Madras to institute examinations in Indian medicine also. If it is the object of Government to encourage Indian medicine, it is high time and I appeal to the hon. the Chief Minister to reconsider and give the Indian School of Medicine a decent chance."

* **Mr. L. K. TULASIRAM** :—" From what I heard from the hon. the Chief Minister for Education, he wants to exclude Indian medicine altogether from the University of Madras. I will taboo the University when it excludes Indian medicine. When my hon. Friend Mr. Biswanath Das from Ganjam pressed for it, I understood the hon. Minister for Education to say that he would not exclude it for all time and he does not say that Indian medicine could always be excluded. We are only asking that the Principal of the College should be made ex-officio member of the Academic Council. I understood the hon. Minister to say that the University has not taken cognizance of Indian medicine and therefore he opposes the inclusion of the Principal of the Indian School of Medicine on the Academic Council. I say, Sir, that it is very necessary that the Indian system of medicine should be recognized by the University of Madras and if the University does not do it, taboo the Madras University. Indian doctors, hakims and others will only boycott the University if it is going to do that. I have tried Indian medicines. I am now speaking with a hoarse throat and after taking Indian medicine it has given me relief. I appeal to my hon. Friend, the Minister for Education, not to be so zealous of his English system of medicine. He is an Indian like myself and I hope better sense would prevail and that he would have the courage to adopt the Principal of the Indian School of Medicine as one of the colleagues on the Academic Council."

* **Mr. K. KOTI REDDI** :—" Mr. President, Sir, it is really surprising why the Chief Minister should object to include the Principal of the Indian School of Medicine and it is a great surprise to see that the Chief Minister shows scant consideration for the system of Indian medicine. We are aware that many eminent Englishmen have given their praise with regard to the Indian system of medicine. It was only the other day that the eminent Englishman, Dr. Rushbrook Williams, wrote that so many Englishmen had

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tried successfully Indian medicine where allopathic medicine had failed. When such is the case, I do not see any reason why the Chief Minister should not make this attempt at trying to help the system of Indian medicine. The fact that at present the University does not include examinations in Indian medicine, is no ground for refusing to admit the Principal into the Academic Council. If he is admitted into the Academic Council, the time will soon come when by his influence and persuasion, the Academic Council and the University will include the Indian system of medicine in the University examinations. I therefore appeal once again to the hon. the Chief Minister to think twice before rejecting this amendment."

(Mr. S. N. Dorai Raja rose to address the House from the Government Bench.)

* The hon. the PRESIDENT:—"The hon. Member has got a right to speak from all the benches except the Treasury Bench."

Mr. S. N. DORAI RAJA (from a seat on the Opposition Bench):—"I apologize to you, Sir. I am surprised to hear what hon. Members have stated. It is not want of sympathy or want of recognition of Indian medicine but it is due to the respect which the Minister has for the University autonomy that he is unable to accept this amendment. Nobody can interfere with the autonomy of the Madras University. That is the whole trouble. I for one as a member of the Senate would resent any sort of interference from any quarter. I therefore oppose this amendment."

* The hon. the PRESIDENT:—"The question is that 'The Principal of the Indian School of Medicine' be added as new item (11) in clause 22."

The amendment was put to the House and declared lost.

A poll was demanded.

(After the ringing of the division bell was over and just before the poll was about to be taken, Mr. J. A. Saldanha entered the House. The hon. the President remarked: 'The hon. Member will kindly keep aloof.')

Mr. J. A. SALDANHA:—"I won't vote, Sir."

* The hon. the PRESIDENT:—"The hon. Member will kindly be outside the House."

The House divided thus:—

Ayes.

1. Swami A. S. Sahajanandam.
2. Mr. V. Ramjee Rao.
3. " Sami Venkatachallam Chetti.
4. " S. Satyamurti.
5. " C. V. Venkataramaya Ayyangar.
6. " T. Adinarayana Chettiyar.
7. " P. C. Venkatapati Raju.
8. " Abdul Hamid Khan.
9. " C. S. Govindaraja Mudaliyar.
10. " G. Harisarvottama Rao.
11. " C. N. Muthuranga Mudaliyar.
12. " K. V. R. Swami.
13. " D. Narayana Raju.
14. Dr. B. S. Mallayya.
15. Mr. K. R. Karant.
16. " C. Obi Reddi.
17. " A. Parasurama Rao.
18. " C. Ramasomayajulu.

19. Mr. Bashear Ahmad Sayeed.
20. Sriman Biswanath Das Mahasaya.
21. Mr. R. Srinivasa Ayyangar.
22. " K. Koti Reddi.
23. " L. K. Tulasiram.
24. " Marudavanam Pillai.
25. " K. V. Krishnaswami Nayakar.
26. " K. Madhavan Nayar.
27. " K. S. Sivasubrahmanya Ayyar.
28. " A. Ranganatha Mudaliyar.
29. " Ramanath Goenka.
30. " R. Nagan Gowda.
31. The Zamindar of Gollapalli.
32. Mr. Chavadi K. Subrahmanya Pillai.
33. " K. P. Raman Menon.
34. " C. Gopala Menon.
35. " B. Ramachandra Reddi.
36. Kumara Raja of Venkatagiri.

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Noes.

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|---|--|
| 1. The hon. Sir Norman Marjoribanks. | 24. Rao Bahadur O.M. Narayanan Nambudiripad. |
| 2. " Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 25. Mr. T. M. Narayanaswami Pillai. |
| 3. " Mr. T. E. Moir. | 26. " N. Siva Raj. |
| 4. " Diwan Bahadur M. Krishnan Nayar. | 27. " M. V. Gangadhar Siva. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 28. Rao Sahib L. C. Guruswami. |
| 6. " Mr. S. Muthiah Mudaliyar. | 29. Mr. V. I. Muniswami Pillai. |
| 7. " Dr. P. Subbarayan. | 30. " W. P. A. Soundarapandia Nadar. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 31. " S. Subrahmanya Moopanar. |
| 9. Khan Bahadur Muhammad Bazl-ul-lah Sahib Bahadur. | 32. " Daniel Thomas. |
| 10. Mr. H. A. Watson. | 33. " S. Venkiah. |
| 11. " C. A. Souter. | 34. Rai Sahib M. Hampayya. |
| 12. " S. H. Slater. | 35. Rao Sahib R. Srinivasan. |
| 13. " A. McG. C. Tampoe. | 36. Mr. F. E. Corley. |
| 14. " C. W. E. Cotton. | 37. " W. E. Smith. |
| 15. " V. Ch. John. | 38. " F. E. James. |
| 16. " M. A. Manikkavelu Nayakar. | 39. " R. J. C. Robertson. |
| 17. " C. D. Appavu Chettiyar. | 40. " S. N. Dorai Raja. |
| 18. " A. B. Shetty. | 41. " S. Arpudaswami Udayar. |
| 19. " J. Bheemayya. | 42. " K. Ramachandra Padayachi. |
| 20. " R. Foulkes. | 43. " G. R. Premayya. |
| 21. " Mahmud Schammad Sahib. | 44. Khan Bahadur Abdul Razaak Sahib Bahadur. |
| 22. The Zamindar of Singampatti. | 45. Mr. Muhammad Kadir Mohidin Sahib. |
| 23. Subadar-Major S. A. Nanjappa Bahadur. | 46. Diwan Bahadur S. Kamaraswami Reddiyar. |
| | 47. Mr. K. Sarabha Reddi. |

Neutral.

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|------------------------------------|--------------------------------------|
| 1. Mr. S. V. Vanavudaya Gounder. | 6. Mr. U. Ramaswami Ayyar. |
| 2. " P. J. Gnanavaram Pillai. | 7. Rao Bahadur Sir A. P. Patro. |
| 3. Syed Tajudin Sahib Bahadur. | 8. Mr. P. T. Rajan. |
| 4. Dr. (Mrs.) Muthulakshmi Reddi. | 9. Rao Bahadur S. Ellappa Chettiyar. |
| 5. Diwan Bahadur P. Kesava Pillai. | |

Just before the announcement of the poll was made, Mr. L. K. Tulasiram rose to speak.

* The hon. the PRESIDENT :—"The hon. Member will wait till the announcement of the result of the poll."

Ayes 36. Noes 47. Neutral 9.

The amendment was lost.

* The hon. the PRESIDENT :—"I wish to impress upon hon. Members 3 p.m. that when a division is on and till the result of the poll is announced, no Member has got a right to address the House."

Mr. L. K. TULASIRAM :—"I made a mistake, Sir, and I am very sorry for that. Mr. President, I move the adjournment of the remaining items on the agenda."

The hon. the PRESIDENT :—"The hon. Member may hand in his motion in writing."

The following amendments standing in the name of Dr. P. Subbarayan were then put and carried :—

Class II—Other Members. Sub-clause (5).

In line 1, after the word 'elected' insert the words 'from among themselves', and

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In line 2, after the word 'Government' at the end, add the words 'and situated within the jurisdiction of the University.'

Sub-clause (ii). First proviso.

In the first proviso for the word 'body' in both the places where it occurs, substitute the word 'electorate'.

° Second proviso.

In line 4, after the words 'Academic Council', insert the words 'ex-officio'.

In line 5, before the words 'to the Vice-Chancellor', insert the words 'and communicated', and

In line 8, omit the word 'previous' occurring before the words 'election or'.

Mr. L. K. TULASIRAM:—"I move, Sir, for the adjournment of the remaining items on this agenda—I have handed over the motion in writing. Mr. President, Sir, I should say in all fairness that the printed agenda was only placed in our hands last evening, and in the case of some members this morning. And I also find that they are not merely verbal amendments or alterations. They extend to over nine pages of this printed agenda and the items come up to 81, and some of us have not been provided with the actual Bill and really we do not understand what we are doing. We have to apply our mind to this Bill and come to some conclusion. You were also pleased to say, Sir, that you also found it very difficult to stand on your legs and read all these propositions. I think it will serve the interests of this hon. House better if we are given sufficient time to consider the proposals and see what all was intended by these amendments in the agenda. With these few words I have much pleasure in moving this adjournment of the remaining items on the agenda for another sitting of the Council."

Sriman BISWANATH DAS Mahasaya:—"Sir, in seconding the motion of my hon. Friend from Madura I have to say that deliberations of a legislature should be far from what is being done here. We have been called upon to give our sign of approval to a very important law, that is, the University Act of Madras without knowing what it is. It is a matter for regret that we were supplied with the agenda just this morning, I mean the printed agenda. My hon. Friend, Mr. Saldanha, just one or two hours back told us that he got litho copies of the agenda yesterday evening. Looking at the litho copies, I would appeal to the hon. Members of this House, that no one could make head or tail out of them. Many of those leaflets are far from being legible, and then they were supplied to us piecemeal fashion and many of us have lost even those leaflets. It is only this morning that the printed agenda was placed in our hands. Under these circumstances it becomes very hard that Legislative Councillors should be called upon to give their co-operation on an important question like this. It is in view of all this that I made a representation to you, Sir, that unless it is the desire of the Government that hon. Members of the House should shut their eyes and nod their assent to whatever is moved by the hon. the Chief Minister, it is no use to expect any deliberation or deliberate assent from the hon. Members of this House. These being the circumstances under which we are called upon to discharge our responsibility to both our electorate and to the people of this Presidency, I think it is but fair to the people of this Presidency, that Government should cease rushing through legislation without giving

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due notice and due time to the Members of the Legislative Council to think calmly over questions of such importance. Sir, you may have seen that many hon. members of this House on very important questions on which we have already voted, have voted without knowing—I do not mean any offence to hon. Members of this House—what they are doing. It is evident because many hon. Members had to run away and just get up one way or other without knowing the importance of the questions on which they were voting. These being the circumstances, I would appeal to the Government and also to the various parties in this House not to rush through this legislation and not to cultivate the habit of nodding assent on important questions without knowing their consequences. With these few words, I very heartily second the motion of my hon. Friend from Madura.

* The hon. the PRESIDENT :—“ Before I put the question to the House I should like to make some observations regarding the way in which notices of amendments were supplied to hon. Members. Some reflections were made by the Members regarding the method adopted by the Legislative Council office in sending these notices, that they were sent out piecemeal and that they were not legible and so on. If really members do feel that any irregularity was committed in the Legislative Council office, it is not good in my opinion to make references to all those matters in the open Council. They can go to the Secretary or to the President and make such representations as they like. I think the dignity of the House requires that any complaints against the office must not be made in the open House. After all, here the Opposition is functioning against the Government and not against the Legislative Council office.”

Sriman BISWANATH DAS Mahasayo :—“ A word of explanation, Sir. It was far from my mind to cast any aspersions or to make any allegations against the Legislative Council office and much less against the Secretary, who has been very kind and helpful to us all along. It was far from my mind to make any allegation of the kind just now stated by you, Sir. And if I have done so, it was done certainly most unwittingly and not with any deliberation, and I would certainly be very glad to apologise if you have taken it in that light. All that I want to say is this, that the Government want to rush through measures and in doing so they do not give sufficient notice to the Legislative Council office and the Legislative Council office in such cases must necessarily hurry through the business and give us litho notice. And the result is we are not able to gather them and arrange them and so on. These are the difficulties under which we are called upon to discharge our responsibility, and that is all the representation I wanted to make.”

* The hon. the PRESIDENT :—“ Here the amendments were handed over by the hon. Minister to the Secretary about five days ago and they were immediately circulated to the Members in Roneo. The Council office has done its best and if the hon. Member agrees that these statements are correct, he has to exonerate the Council office without any condition.”

Sriman BISWANATH DAS Mahasayo :—“ As I have said, Sir, I have no objection to do so.”

* The hon. the PRESIDENT :—“ The question is that the consideration of the Madras University Amendment Bill be adjourned.”

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Mr. N. SIVA RAJ :—" Mr President, I rise to oppose the motion for the adjournment of this question. Almost all the amendments that have been introduced in connexion with the Madras University Bill are more or less of a formal nature—to alter a word here or introduce a word there and so on. The amendments do not go to affect the character or the nature of the Bill or any principles underlying the Madras University Act. Apart from the allegations that have been made against the Legislative Council office, I noticed in the speech of my friend Mr. Biswanath Das certain allegations made against the Members of this House. He suggests that Members of this House do rush into the House merely to give their votes without understanding the consequence of that vote. I think, Sir, he owes an apology to the Members of this House."

* The hon. the PRESIDENT :—" He has got every right to reflect about the capacity of the Members of the House collectively."

Mr. N. SIVA RAJ :—" But I thought, Sir, that there is a presumption in our favour that every Member who votes does so after understanding the implications of that vote. Anyhow, Sir, I think the hon. Member was indiscreet in making that kind of remark. So far as the motion is concerned, in view of the fact that almost all these amendments are merely of a formal nature, I do not think this question requires so much consideration as my hon. Friend thinks."

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* Mr. ABDUL HAMID KHAN :—" Mr. President, if I rise to support this motion it is not for the reason that we have received notice of these amendments early or late, but I do so as a protest against the attitude of the Ministry and of Government with regard to matters Indian. After all, it was a very small matter that was sought to be done, viz., to include the name of the Principal of the Indian School of Medicine. If the Minister had agreed to accept this he could have counted on the co-operation of this side of the House. Motion after motion was made by this side of the House which was calculated to develop the Indian system of medicine and Indian system of education, a national system of education, and there comes from the Minister who is in charge of education a very vocal 'No'. We thought that education being a transferred subject and in charge of a Minister the popular side of the educational system in this country would have its own place. But what is happening is all to the contrary. The Minister who is an Indian and who is responsible in a way to the representatives of the people in this House always stands against national aspirations. This is only one aspect of the thing. If the Minister has not thought fit to bring a change in the policy of the Government, the reserved half of the Government, I must say he has not done anything to satisfy the people of this country. All the systems of Indian Medicine, like Ayurveda, Unani and Sidda demand the immediate attention of the Government."

* The hon. the PRESIDENT :—" I am afraid the hon Member has to confine his remarks to the necessity for the adjournment instead of giving his arguments in respect of the various systems of medicine."

* Mr. ABDUL HAMID KHAN :—" I shall confine myself to the motion before us. As I said in the beginning, I support the motion for adjournment as a protest against the policy of the Government. In rejecting such a motion as that which is calculated to develop the Indian system of medicine the Government has forced us to bring forward this motion."

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* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I was surprised at the attitude taken by the other side at this stage, but after my Friend Mr. Hamid Khan's speech I could see the Opposition's anger against me. Reason of course is at a discount when passion is at play, and I quite understand why this adjournment is being moved. We have gone through six pages out of the nine pages of amendments, and, hon. Members did not think it fit all that time to say that the consideration of this Bill should be adjourned. As a matter of fact, the other amendments that are to come are more verbal than even the ones we have considered. When such is the case, I do not see why we should adjourn the consideration of the Bill."

* Mr. BASHEER AHMAD SAYEED :—" Sir, I do not agree with what the hon. the Chief Minister has said as to the reasons against adjourning the rest of the items on the agenda. Mr. President, any cursory glance at the remaining amendments on the University Bill will show to the hon. Members that they are not merely verbal amendments but they seek to insert several new clauses and substitute several others; and they are in some cases of a far-reaching importance. For instance, in the case of one amendment, instead of 'Senate', the 'Syndicate' is proposed to be substituted. This cannot certainly be a verbal amendment. Further, the agenda was not read through by the Councillors and sufficient time was not given. Some of the amendments are of far-reaching importance and for anything like a considered enactment of law, the Councillors must have time enough to deliberate over the amendments which the Chief Minister himself has taken several months to prepare and give notice of. He could have given notice of these amendments pretty earlier, but he did not do so. He might have drafted the Bill itself in an acceptable form. While he himself went on, from day to day, altering and amending and had taken a good lot of time, he would not allow the members, especially members of the opposition, time enough to consider those amendments, time enough to give their mature consideration to various aspects of the amendments to this Bill which is going to become law. Why should these things be hurried in the fashion the Minister wants us to do, under the cover that the amendments are all mere formal amendments,—though several important changes are sought to be made through them—until the Councillors have had time to go through them carefully and considered the pros and cons for the acceptance or non-acceptance of those amendments. Under these conditions, it is but fair to expect the House to adjourn the consideration of these remaining items and allow some time to the hon. Members to deliberate over them calmly, and contribute their best to this legislation."

* Mr. K. V. R. SWAMI :—" Mr. President, the Chief Minister in his reply has touched on only one point. He asks why we did not take objection at the earliest opportunity, why we took all this time and now raised the objection. He is quite correct. My reply is, we could have taken objection earlier but we thought that things would go on more smoothly, and my hon. Friend, the Chief Minister, we thought, would be amenable to small amendments proposed by some friends here. It is true we have not had time to study the whole thing. But we have given some small amendments which would not hurt his Bill or him or his reputation and he won't accept them. It seems he has got a dislike for anything Indian. Instead of satisfying the national inclinations, he comes and says 'This must be brushed aside, I have

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got a thumping majority and I will see the Bill through.' This is the attitude adopted by him. He twits us by saying 'Your passions are out, you are not reasonable at all,' and so on. He himself is responsible for the situation. When a charge was brought against him that he dislikes everything Indian, he did not contradict. He is secure of his majority and does not care for anybody else. That seems to be his attitude."

Diwan Bahadur P. KESAVA PILLAI:—"I move that the question be now put."

The motion was carried.

Dr. B. S. Mallayya demanded a poll and the House divided thus:—

Ayes.

- | | |
|--|--|
| 1. The hon. Sir Norman Macjoribanks. | 34. Mr. S. Subrahmanya Moopanar. |
| 2. " Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 35. " Daniel Thomas. |
| 3. " Mr. T. E. Moir. | 36. " S. V. Vanavudaiya Goundar. |
| 4. " Diwan Bahadur M. Krishnan Nayar. | 37. " S. Venkiah. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 38. Rai Sahib M. Hampayya. |
| 6. " Mr. S. Muthiah Mudaliyar. | 39. Rao Sahib R. Srinivasan. |
| 7. " Dr. P. Subbarayan. | 40. Mr. W. E. Smith. |
| 8. Dr. (Mrs.) S. Mathulakshmi Reddi. | 41. " F. E. Corley. |
| 9. Diwan Bahadur P. Kesava Pillai. | 42. " C. E. Wood. |
| 10. Mr. Alladi Krishnaswami Ayyar. | 43. " F. E. James. |
| 11. Khan Bahadur Muhammad Bazl-ul-Jah Sahib Bahadur. | 44. " R. J. C. Robertson. |
| 12. Mr. H. A. Watson. | 45. " H. F. P. Hearson. |
| 13. " C. A. Souter. | 46. " S. N. Dorai Raja. |
| 14. " S. H. Slater. | 47. " S. Arpudraswami Udayar. |
| 15. " A. McG. C. Tampoe. | 48. " K. Ramachandra Padayachi. |
| 16. " C. W. E. Cotton. | 49. " G. R. Premayya. |
| 17. " V. Ch. John. | 50. Swami A. S. Sahajanandam. |
| 18. " M. A. Manikkavelu Nayakar. | 51. Mr. V. Ramjee Rao. |
| 19. Syed Tajudin Sahib Bahadur. | 52. Zamindar of Gollapalli. |
| 20. Mr. A. B. Shetty. | 53. Mr. Chavadi K. Subrahmanya Pillai. |
| 21. " J. Bheemayya. | 54. " K. R. Venkatarama Ayyar. |
| 22. " R. Foulkes. | 55. " K. P. Raman Menon. |
| 23. " P. J. Gnanavaram Pillai. | 56. " C. Gopala Menon. |
| 24. Mahmud Schammad Sahib Bahadur. | 57. " B. Ramachandra Reddi. |
| 25. The Zamindar of Singampatti. | 58. Rao Bahadur Sir A. P. Patro. |
| 26. The Subadar-Major S. A. Nanjappah Bahadur. | 59. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 27. Rao Bahadur O. M. Narayanan Nambudripad. | 60. Mr. P. T. Rajan. |
| 28. Mr. T. M. Narayanaswami Pillai. | 61. " T. K. Chidambaranatha Mudaliyar. |
| 29. " N. Siva Raj. | 62. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 30. " M. V. Gangadhara Siva. | 63. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 31. Rao Sahib L. C. Guruswami. | 64. Rao Bahadur B. Muniswami Nayudu. |
| 32. Mr. V. I. Muniswami Pillai. | 65. Diwan Bahadur A. M. M. Murugappa Chettiyar. |
| 33. " W. P. A. Soundara Pandia Nadar. | 66. Mr. K. Sarabha Reddi. |
| | 67. Kumararaja of Venkatagiri. |
| | 68. Mr. A. V. Bhanoji Rao. |

Noes.

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| 1. Mr. J. A. Saldanha. | 11. Mr. C. Ramasomayajulu. |
| 2. " Abdul Hamid Khan. | 12. " Basheer Ahmad Sayeed Sahib. |
| 3. " C. S. Govindaraja Mudaliyar. | 13. Sriman Biswanath Das Mahasayo. |
| 4. " G. Hariservottama Rao. | 14. Mr. R. Srinivasa Ayyangar. |
| 5. " C. N. Muthuranga Mudaliyar. | 15. " K. Koti Reddi. |
| 6. " K. V. R. Swami. | 16. " L. K. Tulasiram. |
| 7. " D. Narayana Raju. | 17. " C. Marudavanam Pillai. |
| 8. " Dr. B. S. Mallayya. | 18. " K. V. Krishnaswami Nayakar. |
| 9. " K. R. Karant. | 19. " K. Madhavan Nayar. |
| 10. " C. Obi Reddi. | 20. " K. S. Sivasubramania Ayyar. |

Ayes 68. Noes 20.

30th January 1929]

The closure motion was carried.

The hon. the PRESIDENT:—"The question is that the consideration of 3-30 the Madras University (Amendment) Bill be postponed." p.m.

The question was put to the House and declared lost.

Mr. Basheer Ahmad Sayied demanded a poll and the House divided thus:—

Ayes.

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| 1. Mr. Sami Venkatachellam Chetti. | 14. Mr. A. Prasuraama Rao. |
| 2. " S. Satyamurti. | 15. " C. Ramasomayajulu. |
| 3. " P. Anjaneyulu. | 16. " Basheer Ahmad Sayeed. |
| 4. " P. C. Venkatapati Raju. | 17. Sriman Biswanath Das Mahasayo. |
| 5. " J. A. Saldanha. | 18. Mr. A. Kaleswara Rao. |
| 6. " Abdul Hamid Khan. | 19. " R. Srinivasa Ayyangar. |
| 7. " C. S. Govindaraja Mudaliyar. | 20. " K. Koti Reddi. |
| 8. " G. Harisarvottama Rao. | 21. " L. K. Tulasingam. |
| 9. " K. V. R. Swami. | 22. " C. Marudavanam Pillai. |
| 10. " D. Narayana Raju. | 23. " K. V. Krishnaswami Nayakar. |
| 11. Dr. B.S. Mallayya. | 24. " K. Madhavan Nayar. |
| 12. Mr. K. R. Karant. | 25. " K. S. Subrahmanya Ayyar. |
| 13. " C. Obi Reddi. | |

Noes.

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| 1. The hon. Sir Norman Marjoribanks. | 33. Mr. W. P. A. Soundara Pandia Nadar. |
| 2. " Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 34. " S. Subrahmanya Mooppanar. |
| 3. " Mr. T. E. Moir. | 35. " Daniel Thomas. |
| 4. " Diwan Bahadur M. Krishnan Nayar. | 36. " S. V. Vanavudaya Goundar. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 37. " S. Venkiah. |
| 6. " Mr. S. Muthiah Mudaliyar. | 38. Kai Sahib M. Hampayya. |
| 7. " Dr. P. Subbarayan. | 39. Rao Sahib R. Srinivasan. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 40. Mr. F. E. Corley. |
| 9. Diwan Bahadur P. Kesava Pillai. | 41. " W. E. Smith. |
| 10. Mr. Alladi Krishnaswami Ayyar. | 42. " C. E. Wood. |
| 11. Khan Bahadur Muhammad Bazl-ul-lah Sahib Bahadur. | 43. " F. E. James. |
| 12. Mr. H. A. Watson. | 44. " R. J. C. Robertson. |
| 13. " C. A. Sontar. | 45. " H. F. P. Hearson. |
| 14. " S. H. Slater. | 46. " S. N. Dorai Raja. |
| 15. " A. McG. C. Tampoe. | 47. " S. Arpudaswami Udayar. |
| 16. " C. W. E. Cotton. | 48. " K. Ramachandra Padayachi. |
| 17. " V. Ch. Jothi. | 49. " G. R. Premayya. |
| 18. " M. A. Manikkavelu Nayakar. | 50. Swami A. S. Sahajanandam. |
| 19. " Syed Tajuddin Sahib. | 51. Mr. V. Ramjee Rao. |
| 20. " A. B. Shetty. | 52. " Obavadi K. Subrahmanyam Pillai. |
| 21. " J. Bheemayya. | 53. " C. Gopala Menon. |
| 22. " R. Foulkes. | 54. " B. Ramachendra Reddi. |
| 23. " P. J. Gnanavaram Pillai. | 55. Sir A. P. Patro. |
| 24. " Mahmud Sohamnad Sahib. | 56. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 25. The Zamindar of Singampatti. | 57. Mr. P. T. Rajan. |
| 26. Subadar-Major S. A. Nanjappa Bahadur. | 58. Rao Bahadur S. Ellappa Chettiyar. |
| 27. Rao Bahadur O. M. Narayanan Nambudripad. | 59. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 28. Mr. T. M. Narayanaswami Pillai. | 60. Mr. Muhammad Khadir Mohidin Sahib. |
| 29. " N. Siva Raj. | 61. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 30. " M. V. Gangadhara Siva. | 62. Rao Bahadur B. Muniswami Nayudu. |
| 31. Rao Sahib L. C. Guruswami. | 63. Diwan Bahadur A. M. M. Murugappa Chettiyar. |
| 32. Mr. V. I. Muniswami Pillai. | 64. Mr. K. Sarabha Reddi. |
| | 65. Kumararaja of Venkatagiri. |
| | 66. Mr. A. V. Shanaji Rao. |

Ayes 25. Noes 66.

The motion was lost.

[30th January 1929]

The hon. the PRESIDENT :—"Dr. Mallayya has sent me a slip containing a motion which reads as follows :—

'Let all amendments be put to the vote of the House *en bloc* and declared carried.'

"I say that no such motion is admissible."

The following amendments standing in the name of the hon. Dr. P. Subbarayan were put and carried :—

Class II—Other Members.

Sub-clause (ii).

Third proviso.

In line 2, for the figure '(i)', substitute the letter '(a)'

Sub-clause (iii).

In line 2, omit the words 'under the preceding sub-section.'

In lines 3 and 4 for the words 'University authorities', substitute the words 'Authorities of the University'.

Clause 23.

In items (d), (e) and (f) for the words 'constituent and affiliated colleges' substitute the words 'constituent, affiliated and oriental colleges'.

Item (e).

In line 2, for the word 'between' substitute the word 'among'.

Sriman BISWANATH DAS Mahasayo :—"I beg to move the amendment, standing against my name as follows :—

Item (g).

"In line 3, after the words 'Oriental learning' add the words 'Indian system of medicine'."

* The hon. the PRESIDENT :—"The hon. Member has moved another amendment regarding the inclusion of the Indian system of medicine. There was already a vote of the House on an amendment relating to the same subject. May I know if there is any distinction between that amendment and this amendment?"

Sriman BISWANATH DAS Mahasayo :—"That is different in the sense that the present amendment proposes to include the Indian system of medicine not in research work but in the faculties."

* The hon. the PRESIDENT :—"The amendment is in order."

* Sriman BISWANATH DAS Mahasayo :—"Sir, my amendment is simple. It proposes to include the Indian system of medicine as one of the faculties in the Madras University. I think that was the aim with which the Government began to encourage the Indian system of medicine. An elaborate enquiry was instituted and the Indian School of Medicine was started. The Usman Committee also laid down very definite recommendations as to how

30th January 1929] [Sriman Biswanath Das Mahasayo]

Indian universities might encourage this science. I do not want to waste the time of the House by going into the reasons and citing authorities. I have found that reasons always do not weigh more than party considerations with most of the hon. Members. This is a very plain thing and if you hon. Members of this House want to encourage the Indian system of medicine and if you want that the study of the system be undertaken by our universities, I think that you could do nothing more than voting for this amendment."

Mr. G. HARISARVOTTAMA RAO:—"I have very great pleasure in seconding the amendment. I feel that wisdom has dawned even late on the hon. the Minister in charge of the Bill. Indian medicine has so often arrested the attention of the Treasury Bench. Even to-day there was a great discussion on this subject to include it in the faculties of the University of Madras, and that is the only thing which the Government can do at the present stage. It should have found a place in research. Anyhow it is over and I do not want to waste the time of this Council on that point now. But so far as its inclusion in the faculties is concerned, I think there should be absolutely no objection. If there is a sincerity to develop the Indian system of medicine, they must without hesitation accept this amendment and agree to work the Act by giving encouragement to the Indian system of medicine by including it in the faculties."

The hon. Dr. P. SUBBARAYAN:—"I have no objection to accept the amendment."

The amendment was put to the House and carried.

The following amendment standing in the name of the hon. Dr. P. Subbarayan was put to the vote and carried:—

Item (h).

'For the words "University Laboratories, University libraries, University institutes of Research, hostels instituted by the University, constituent colleges instituted by the University" substitute the words "University laboratories, libraries and institutes of research, constituent colleges and hostels instituted by the University."'

Item (j).

The hon. Dr. P. SUBBARAYAN:—"I beg to move the amendment standing against my name as follows:—

'In line 4 after the word "thereon" at the end, add the word "and"'. This is merely a drafting amendment. I formally move it.'

The hon. Mr. M. R. SETURATNAM AYYAR:—"I second it."

The amendment was put and carried.

The hon. Dr. P. SUBBARAYAN:—"I beg to move the amendment standing against my name—

Item (k).

'Omit item (k) and reletter item (l) as (k).'

"Sir, powers have been given to the Board of Studies for appointing examiners. Hence I move for the omission of this clause."

The hon. Mr. M. R. SETURATNAM AYYAR:—"I second it."

The amendment was put and carried.

[30th January 1929]

The hon. Dr. P. SUBBARAYAN :—" I beg to move—

Item (l).

' In item (k) as so relettered in line 3, for the words " representing the affiliated colleges ", substitute the words " who are principals or teachers of affiliated colleges " '.

" Sir, section 24 (k) as relettered provides that not less than one-third of the members of the Standing Committee shall be members representing affiliated colleges. It is desirable to specify the members representing those colleges. Only principals or teachers in colleges can come under the category of members representing affiliated colleges—vide section 23 (1), class I (5) and (6) and class II (3) and (4)."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it."

The amendment was put and carried.

Clause 24.

* Sriman BISWANATH DAS Mahasayo :—" I beg to move—

' In line 5 after the words " Oriental Learning ", add the words " Indian System of Medicine. " '.

3-45
P.m.

" Sir, this amendment proposes nothing more than to give effect to the amendment that was just accepted so generously and nobly by the hon. Minister in charge. Sir, unless you force the executive to adopt a certain course of action we have found from our sad experience that they are not willing to do so. The idea of encouraging this system of medicine was conceived in 1922. A committee was appointed which toured throughout India and after an elaborate investigation submitted a report in 1923, after due consideration of which the Government started the Indian School of Medicine. They also desired that the local bodies should give encouragement to this system. Since then five years have elapsed and no further step has been taken in the matter. If the House is really anxious to encourage this system and if the hon. Minister really means to give it a status in the University so necessary for the growth of the science, he ought really to accept this amendment after so recently accepting another amendment to the same effect."

The hon. the PRESIDENT :—" I should like to discourage loud conversations across the table which cause great inconvenience."

Sriman BISWANATH DAS Mahasayo :—" I think, Sir, we will have to force the hands of the hon. Minister and make him accept this amendment."

Mr. K. R. KARANT :—" I second it."

* The hon. Dr. P. SUBBARAYAN :—" Sir, I am afraid I cannot accept this amendment. This does not come in the same category as the previous amendment which I accepted. This amendment, if passed into law, will mean that the University should at once constitute a faculty of Indian Medicine, which I do not think will be possible at present. We have already passed a clause by which a member representing Indian medicine may be put on the faculty of Oriental Learning. I think the University will be prepared to do that. We should not in any way make the work of the University bodies difficult. Under these conditions, I think I have to oppose the amendment."

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* Mr. BASHEER AHMED SAYEED:—"Sir, I am unable to follow the hon. Minister. We have already passed an amendment to the effect that the Academic Council shall have the power to constitute faculties including Indian system of medicine as well. Then it logically follows that the University should have faculties of arts among which the Indian system of medicine is one. I do not see how by the acceptance of this amendment the University will be called upon to constitute such a faculty at once. Nor does it seem to me to follow from the argument of the hon. Minister. His position is entirely untenable. This amendment is only a logical corollary of the one already passed. This attempt of the Minister seems to me to be only another way of getting out of what the Council has already passed. I therefore urge upon the House to accept this amendment, and not to be misguided by the Minister."

* Mr. G. HARISARVOTTAMA RAO:—"Sir, I am particularly sorry that the learned Minister should say that this motion would be handicapping the work of the University. He said that Indian medicine might be represented on the faculty of Oriental Learning. I do not know whether he does not understand it or has not attempted to understand it or pretends not to understand it. Indian medicine cannot be clubbed with Oriental Learning. It is a living science and art, and has to compete with Western medicine. It requires fresh sources of strength. The hon. Minister said that Indian medicine was not competent to have a faculty of its own. It contains three branches, the Siddha, Unani and Ayurvedic systems, with their own theories and practices. These three put together ought to constitute a faculty in a progressive university; otherwise it would be a mere farce to accept the previous amendment [item (g)] and object to the present one."

* The hon. the PRESIDENT:—"I have already remarked that loud conversations across the table cause great inconvenience to the speakers and also to the President in following the speakers. I repeat the warning and I hope it will be respected in future."

Mr. G. HARISARVOTTAMA RAO:—"It is not right for the hon. the Minister to tell us at the dictation of the Advocate-General who is at best only an expert in law, that a representative of Indian medicine might not be included in the faculty of Oriental Learning."

Mr. ALLADI KRISHNASWAMI AYYAR:—"On a point of order, Mr. President, I never said so."

* The hon. the PRESIDENT:—"It is not a point of order; it is only a personal explanation."

Mr. G. HARISARVOTTAMA RAO:—"I am prepared to take the explanation of the Advocate-General though it has been given in a faltering manner."

"I have to say that the hon. the Minister's advisers either in Law or in Medicine are wrong. They do not know the intensity of feeling in the country over this question. They do not know the importance to this country of this system of medicine. I can even refer to that autocrat of to-day who sits on the Treasury Bench, the hon. Sir Usman. He is an authority; but probably his vote is tied. It is a pity that the Minister who claims to be ruling in the name of the people should tell us that this subject

[Mr. G. Harisarvottama Rao]

[30th January 1929]

cannot have a faculty of its own. It is a woeful admission of his ignorance of the systems of medicine in this country. I appeal to the House to accept the amendment."

Mr. L. K. TULASIRAM:—"Sir, the words, 'the Indian system of medicine' ought to be added to clause 24, because this clause relates to the several faculties of this University. We add the faculty of Indian medicine to the list. When once the Chief Minister was so generous as to allow the Academic Council to create this faculty, it follows that the University should also have the power of starting the faculty of Indian system of medicine. It is very consistent and natural. When a small body like the Academic Council has that power, the bigger body should also have the power to establish a faculty of Indian medicine. When the supreme body has not got the power, the subordinate bodies cannot also have it. It is logical, legitimate, consistent and proper that if this is to be introduced anywhere, it is in clause 24 and not in any other place. I see no reason why the Chief Minister should fight shy of these two words."

The amendment was put to the House and declared carried. A poll was demanded and the House divided thus:

Ayes.

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| 1. Dr. (Mrs.) S. Muthulakshmi Reddi. | 21. Mr. C. Ramasamayajulu. |
| 2. Diwan Bahadur P. Kesava Pillai. | 22. Basheer Ahmed Sayeed Sahib Bahadur. |
| 3. Mr. G. Premayya. | 23. Mr. P. Bhaktavatsulu Nayudu. |
| 4. Swami A. S. Sahajanandam. | 24. Srikanth Biswanath Das Mahasayo. |
| 5. Mr. V. Ramjee Rao. | 25. Mr. A. Kaleswara Rao. |
| 6. " S. Satyamurti. | 26. " R. Srinivasa Ayyangar. |
| 7. " C. V. Venkataramana Ayyangar. | 27. " K. Koti Reddi. |
| 8. " P. Anjaneyulu. | 28. " L. K. Tulasiram. |
| 9. " P. C. Venkatapathi Raju. | 29. " C. Marudavanam Pillai. |
| 10. " J. A. Saldanha. | 30. " K. V. Krishnaswami Nayakar. |
| 11. Abdul Hamid Khan Sahib Bahadur. | 31. " K. Madhavan Nayar. |
| 12. Mr. C. S. Govindaraja Mudaliyar. | 32. " K. S. Sivasubramanya Ayyar. |
| 13. " G. Harisarvottama Rao. | 33. " A. Ranganatha Mudaliyar. |
| 14. " C. N. Muthuranga Mudaliyar. | 34. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 15. " K. V. R. Swami. | 35. Mr. Ramanath Goenka. |
| 16. " D. Narayana Raju. | 36. " R. Nagan Gowda. |
| 17. " K. Uppi Sahib. | 37. " K. R. Venkatarama Ayyar. |
| 18. " K. R. Karant. | 38. " K. P. Raman Menon. |
| 19. " C. Obi Reddi. | 39. " C. Gopala Menon. |
| 20. " A. Parasurama Rao Pantulu. | |

Noes.

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|---|--|
| 1. The hon. Sir Norman Marjoribanks. | 14. Mr. C. W. E. Cotton. |
| 2. " Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 15. " V. Ch. John. |
| 3. " Mr. T. E. Moir. | 16. " M. A. Manikkavelu Nayakar. |
| 4. " Diwan Bahadur M. Krishnan Nayar. | 17. " A. B. Shetty. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 18. " J. Bheemayya. |
| 6. " Mr. S. Muthiah Mudaliyar. | 19. " J. A. Davis. |
| 7. " Dr. P. Subbarayan. | 20. " R. Foulkes. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 21. " P. J. Gnanavaram Pillai. |
| 9. Khan Bahadur Muhammad Bazul-ul-lah Sahib. | 22. Mahmud Schammad Sahib. |
| 10. Mr. H. A. Watson. | 23. The Zamindar of Singampatti. |
| 11. " C. A. Souter. | 24. Subadar-Major S. A. Nanjappah Bahadur. |
| 12. " S. H. Slater. | 25. Mr. T. M. Narayanaswami Pillai. |
| 13. " A. McG. C. Tampoe. | 26. " N. Siva Raj. |
| | 27. " M. V. Gangadhara Siva. |
| | 28. " L. C. Guruswami. |
| | 29. " V. I. Muniswami Pillai. |

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Noes—cont.

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| 30. Mr. W. P. A. Soundara Pandia Nadar. | 44. Mr. P. T. Rajan. |
| 31. „ S. Subrahmanya Moopanar. | 45. „ T. K. Chidambaranatha Mudaliyar. |
| 32. „ Daniel Thomas. | 46. Rao Bahadur S. Ellappa Chettiyar. |
| 33. „ S. V. Vanavudaiya Gounder. | 47. Khan Bahadur S. K. Abdul Razaek Sahib Bahadur. |
| 34. „ S. Venkiah. | 48. Mohammad Khadir Mohideen Sahib Bahadur. |
| 35. Rao Sahib R. Srinivasan. | 49. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 36. Mr. F. E. Corley. | 50. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 37. „ W. E. Smith. | 51. Rao Bahadur B. Muniswami Nayudu. |
| 38. „ F. E. James. | 52. Mr. K. Sarabhareddi. |
| 39. „ E. J. C. Robertson. | 53. The Kumara Raja of Venkatagiri. |
| 40. „ H. F. P. Hearson. | 54. Mr. A. V. Bhanoji Rao. |
| 41. „ S. N. Dorai Raja. | |
| 42. Rao Bahadur Sir A. P. Patro. | |
| 43. Diwan Bahadur P. C. Ethirajulu Nayudu. | |

Ayes 39.

Noes 54.

The amendment was lost.

* The hon. the PRESIDENT :—“ Mr. Tulasiram has just handed to me 4 p.m. an amendment relating to line 4 of this clause. The Council has now disposed of an amendment in line 5 of the clause; therefore his amendment cannot be allowed under Standing Order No. 32 (3) which runs thus :— ‘ After a decision has been given on an amendment to any part of a clause or motion, no amendment which arises at an earlier point of the clause or motion shall be moved.’ I therefore disallow the amendment.”

The hon. Dr. P. SUBBARAYAN :—“ Mr. President, Sir, I move the following amendment :—

‘ In line 8, for the words “ Otherwise the ” substitute the word “ The ” and in line 9, after the words “ Faculties shall ”, insert the words “ in all other respects ”.’

This is only a drafting amendment.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I second it.”

The amendment was put and carried.

Clause 28.

The hon. Dr. P. SUBBARAYAN :—“ Mr. President, Sir, I beg to move the following amendment :—

‘ In line 2, for the word “ For ” substitute the figure and word “ (i) for ”.

‘ In the new sub-clause (c) for the words “ affiliation with ” substitute the words “ affiliation to ”.’

It is only a drafting amendment.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I second it.”

The amendment was put and carried.

Sub-clause (ii).

The hon. Dr. P. SUBBARAYAN :—“ Sir, I move the following amendment :—

‘ For sub-clause (ii), substitute the following sub-clause, namely :—

‘ (ii) clauses (e) and (m) shall be omitted and clauses (f), (g), (h), (i), (j), (k), (l) and (n) re-lettered as (e), (f), (g), (h), (i), (j), (k) and (l) respectively.’

This is only a drafting amendment.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I second it.”

The amendment was put and carried.

[Dr. P. Subbarayan]

[30th January 1929]

Clause 28—cont.

Sub-clauses (iii) and (iv) and new sub-clause (v).

The hon. Dr. P. SUBBARAYAN :—“ Sir, I beg to move the following amendment :—

‘ Omit the word “ and ” at the end of sub-clause (iii); insert that word at the end of sub-clause (iv) and after sub-clause (iv) insert the following sub-clause, namely :—

“ (v) in clause (k) as so re-lettered, after the word ‘ graduates ’ at the end, the word ‘ and ’ shall be added.”

It is again a drafting amendment.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I beg to second it.”

The amendment was put and carried.

Clause 29.

Sub-clause (i).

The hon. Dr. P. SUBBARAYAN :—“ Sir, I move the following amendment :—

‘ For the words “ and the other sub-sections re-numbered accordingly,” substitute the words and figures “ and sub-sections (3) to (6) re-numbered as (1) to (4) respectively.”

It is again only a drafting amendment.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I second it.”

The amendment was put and carried.

Clause 30.

Sub-clause (iv).

The hon. Dr. P. SUBBARAYAN :—“ Sir, I beg to move the following amendment :—

‘ In line 4, after the word “ and ” insert the words “ before the words ‘ for tutorial and supplementary instruction ’ the word ‘ and ’ shall be inserted.”

This amendment is consequential to the amendment carried to clause 30, sub-clause (4) of this Bill.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I second it.”

The amendment was put and carried.

Sub-clause (v).

The hon. Dr. P. SUBBARAYAN :—“ Sir, I move the following amendment :—

‘ In line 2, for the words “ and affiliated ” substitute the words “ affiliated and oriental ”.

This again is due to the oriental colleges being brought under the scope of the Bill.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I second it.”

(Mr. Basheer Ahmad Sayeed rose from his seat while the hon. the President was putting the amendment to the House.)

* The hon. the PRESIDENT :—“ The hon. Member must know that no member can rise in his place while the President is on his legs.”

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The amendment was put and carried.

Clause 31.

The hon. Dr. P. SUBBARAYAN :—" Sir, I move the following amendment :—

' In line 3, insert the figure " 32 (1) " before the words " In making ordinances " . '

This is to rectify a clerical mistake."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it."

The amendment was put and carried.

Clauses 31-A to 40.

The hon. Dr. P. SUBBARAYAN :—" I beg to move, Sir, the following amendment :—

' Clauses 31-A, 32, 33, 34, 35, 36, 37, 38, 39 and 40 shall be re-numbered as 32, 33, 34, 35, 37, 38, 39, 40, 41 and 43 respectively. '

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it, Sir."

The amendment was put and carried.

Clause 31-A.

The hon. Dr. P. SUBBARAYAN :—" Sir, I beg to move the following amendment :—

' Re-number sub-clauses (i) and (ii) as (ii) and (iii) respectively and insert the following as sub-clause (i), namely :—

" (i) In sub-section (2), for the words ' recognized by the Senate ' the words ' recognized by the Syndicate ' shall be substituted. "

* The power to recognize the colleges, according to the amendment of the House which was carried, vests in the Syndicate under clause 19 (j) of the Act. Therefore it is necessary to substitute the word ' Syndicate ' for the word ' Senate ' ."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second the amendment."

Mr. BASHEER AHMAD SAYEED :—" Sir, the hon. Minister has simply moved the amendment. He did not give any reasons for this drastic change he seeks to make."

* The hon. the PRESIDENT :—" Is it a point of order ? "

* Mr. BASHEER AHMAD SAYEED :—" No, Sir. I want to oppose the amendment. The Senate is a larger and more representative body than the Syndicate. I should like to know what exactly are his reasons for moving such an amendment if he wants us to vote in his favour."

The amendment was put to the House and declared lost.

A poll was demanded and the House divided as follows :—

Ayes,

- | | |
|--------------------------------------|---|
| 1. The hon. Sir Norman Marjoribanks. | 5. The hon. Mr. M. R. Seturatnam Ayyar. |
| 2. " Khan Bahadur Sir Muhammad | 6. " Mr S. Muthiah Mudaliyar. |
| Usman Sahib Bahadur, | 7. " Dr. P. Subbarayan. |
| 3. " Mr. T. E. Moir. | 8. Dr. (Mrs.) Muthalakshmi Reddi. |
| 4. " Diwan Bahadur M. Krishnan | 9. Mr. Alladi Krishnaswami Ayyar. |
| Nayar. | |

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Ayes—cont.

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|---|--|
| 10. Khan Bahadur Muhammad Razul-ul-lah Sahib Bahadur. | 40. Mr. F. E. James. |
| 11. Mr. H. A. Watson. | 41. „ R. J. C. Robertson. |
| 12. „ C. A. Souter. | 42. „ S. N. Dorai Raja. |
| 13. „ S. H. Slater. | 43. „ K. Ramachandra Padayaachi. |
| 14. „ A. McG. C. Tampoe. | 44. „ G. R. Premayya. |
| 15. „ C. W. E. Cotton. | 45. Swami A. S. Sahajanandam. |
| 16. „ V. Ch. John. | 46. Mr. V. Ramjee Rao. |
| 17. „ M. A. Manickavelu Nayakar. | 47. „ A. Ranganatha Mudaliyar. |
| 18. Syed Tajuddin Sahib Bahadur. | 48. Diwan Bahadur K. N. Arogyaswami Mudaliyar. |
| 19. Mr. C. D. Appavu Chettiyar. | 49. Mr. Ramanath Goenka. |
| 20. „ A. B. Shetty. | 50. „ R. Nagan Gowda. |
| 21. „ J. A. Davis. | 51. „ K. R. Venkatrama Ayyar. |
| 22. „ R. Foulkes. | 52. „ K. P. Raman Menon. |
| 23. „ P. J. Gnanavaram Pillai. | 53. „ O. Gopala Menon. |
| 24. Mahmud Schammad Sahib Bahadur. | 54. „ B. Ramachandra Reddi. |
| 25. Zamindar of Singampatti. | 55. Rao Bahadur Sir A. P. Patro. |
| 26. Subadar-Major S. A. Nanjappa Bahadur. | 56. Diwan Bahadur P. O. Ethirajulu Nayudu. |
| 27. Mr. T. M. Narayanaswami Pillai. | 57. Mr. P. T. Rajan. |
| 28. „ N. Siva Raj. | 58. „ T. K. Chidambaranatha Mudaliyar. |
| 29. „ M. V. Gangadara Siva. | 59. Rao Bahadur S. Ellappa Chettiyar. |
| 30. Rao Sahib L. C. Guruswami. | 60. Khan Bahadur Abdul Razack Sahib Bahadur. |
| 31. Mr. V. I. Muniswami Pillai. | 61. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 32. „ W. P. A. Soundarapandia Nadar. | 62. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 33. „ S. Subrahmanya Moopanar. | 63. Rao Bahadur B. Muniswami Nayudu. |
| 34. „ Daniel Thomas. | 64. Mr. K. Sarabha Reddi. |
| 35. „ S. V. Vanavudaya Goundar. | 65. Kumararaja of Venkatagiri. |
| 36. „ S. Venkayya. | 66. Mr. A. V. Bhanoji Rao. |
| 37. Rao Sahib R. Srinivasan. | |
| 38. Mr. W. E. Smith. | |
| 39. „ F. E. Corley. | |

Noes.

- | | |
|-------------------------------------|------------------------------------|
| 1. Mr. S. Satyamurti. | 14. Mr. C. Obi Reddi. |
| 2. „ C. V. Venkataramana Ayyangar. | 15. „ C. Ramasamayajulu. |
| 3. „ P. C. Venkatapathi Raju. | 16. „ Basheer Ahmad Sayeed Sahib. |
| 4. „ J. A. Saldanha. | 17. „ P. Bhaktavatsula Nayudu. |
| 5. Abdul Hamid Khan Sahib Bahadur. | 18. Sriman Biswanath Das Mahasaya. |
| 6. Mr. C. S. Govindaraja Mudaliyar. | 19. Mr. A. Kaleswara Rao. |
| 7. „ G. Harisarvottama Rao. | 20. „ R. Srinivasa Ayyangar. |
| 8. „ C. N. Muthuranga Mudaliyar. | 21. „ K. Koti Reddi. |
| 9. „ K. V. R. Swami. | 22. „ L. K. Tulasiram. |
| 10. „ D. Narayana Raju. | 23. „ G. Marudavanam Pillai. |
| 11. Dr. B. S. Mallayya. | 24. „ K. V. Krishnaswami Nayakar. |
| 12. K. Uppi Sahib Bahadur. | 25. „ K. Madhavan Nayar. |
| 13. Mr. K. R. Karant. | 26. „ K. S. Sivasubrahmanya Ayyar. |

Ayes 66.

Noes 26.

The amendment was carried.

Clause 32.

The hon. Dr. P. SUBBARAYAN :—“ Mr. President, Sir, I beg to move the following amendment :—

“ For clause 32, substitute the following clause, namely :—
 ‘ 33. In section 36 of the said Act—

- (i) In sub-section (1) for the word “ Madras ” the words “ the University of Madras ” shall be substituted ; and
- (ii) In sub-section (2) for the words “ constituent college or of an affiliated college ” the words “ constituent, affiliated or oriental college ” shall be substituted.”

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[Dr. P. Subbarayan]

This is only to bring the oriental colleges under the provisions of the Act and also to make the wording of the section better by having the words 'the University of Madras' for the word 'Madras.'"

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it."

The amendment was put and carried.

Clause 33.

* The hon. Dr. P. SUBBARAYAN :—" I move :

" In line 6, for the word ' body ' substitute the word ' electorate ' and 4-15
for the word ' appointed ' substitute the word ' nominated '." p.m.

This is to use the same word as is found in the Act."

It was duly seconded.

The motion was put and carried.

Clause 34.

The hon. Dr. P. SUBBARAYAN :—" I beg to move :

' After clause 34 insert the following clause, namely :—

" In section 40 of the said Act, after the words ' any degree ' the word ' title ' shall be inserted."

This has been done even before."

It was duly seconded.

* Mr. BASHEER AHMAD SAYEED :—" In this, Mr. President, the Minister seeks to insert a new clause which was not considered in the Select Committee apparently. I do not know, Mr. President, whether he is entitled to introduce altogether a fresh clause at the third reading without the same having gone through the usual course. I consider this is entirely out of order."

Mr. S. SATYAMURTI :—" On a point of order, Mr. President."

The hon. the PRESIDENT :—" Let us also have some variation."

* Mr. S. SATYAMURTI :—" I submit this for your examination and ruling, Sir, . . ."

* The hon. the PRESIDENT :—" Am I to understand that the hon. Member does not himself feel the force of his point ?"

Mr. S. SATYAMURTI :—" I do feel, Sir, but I have not made up my mind."

* The hon. the PRESIDENT :—" The hon. Member says he has not made up his mind. I do think that I am bound to give a ruling before the hon. Member has made up his mind."

Mr. S. SATYAMURTI :—" If I make up my mind I feel the ruling should be against me. I feel it is prima facie . . ."

* The hon. the PRESIDENT :—" I am not concerned with the point of order if the hon. Member does not raise it seriously."

Mr. S. SATYAMURTI :—" I make it seriously, but I have not made up my mind that it is a point of order lest the ruling should be against me."

* The hon. the PRESIDENT :—" Suppose I have agreed with the hon. Member, will he then be sorry ?"

Mr. S. SATYAMURTI :—" No, I shall be glad. (Laughter.)

[Mr. S. Satyamurti]

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" Clause 33 of the Bill states ' For section 38 of the said Act, the following section shall be substituted, etc.' Then, Sir, the next clause of that Bill is: ' For section 42 of the said Act, etc.' That goes on to deal with section 42 of the Act of 1923. This new clause which my hon. Friend wants to insert is a clause following section 40 of the Act of 1923. That section deals with removal from membership of the University. The point which I desire to submit for your ruling is this. First of all, it is not open to this House or to the Select Committee to deal with the clauses of the Act not touched by amending Bills. The hon. the Chief Minister's amending Bill did not touch section 40 of the University Act of 1923 as such, and there was no amendment put before the House or considered by the Select Committee, so far as section 40 of the Act is concerned. Now for the first time my hon. Friend suggests the introduction of a new clause in a section which was not sought to be amended by his original amending Bill or by the Select Committee or by this House in the second reading . . . "

* The hon. the PRESIDENT :—" To put it short, the hon. Member's point is that section 40 of the Act deals with the removal of members, that the principle involved in it was not in the original Bill of the Chief Minister, nor was it examined by the Select Committee, and that for the first time he is introducing it in the shape of an amendment."

The hon. Dr. P. SUBBARAYAN :—" I withdraw."

The amendment was by leave withdrawn.

The hon. Dr. P. SUBBARAYAN :—" I move—

' In line 6, for the words " in the Act " substitute the words " in this Act."

This is a verbal amendment."

The motion was duly seconded, put and carried.

Clause 39.

The hon. Dr. P. SUBBARAYAN :—" I move:

' After clause 41 as so renumbered, insert the following clause, namely :—

42. Rules as to the management of the affiliated college fund made under section 54 of the said Act shall be deemed to be statutes under the said Act as amended by this Act, and shall continue to be in force as such till they are replaced by such statutes.'

" Although the Council of Affiliated Colleges has ceased to exist under this Bill, provision has to be made with regard to the management of the fund and hence this amendment."

* Mr. S. SATYAMURTI :—" I have got some difficulty in this matter. The section relating to the affiliated college fund has been repealed by clause 37 of the Bill which says section 54 of the said Act shall be omitted. If the section which gave the power to the Senate to create the affiliated college fund and make rules as to its management, if that section is repealed, I take it that the constitutional consequence is that all the Acts done in pursuance of the power vested in particular bodies under that section must cease hereafter, until we find another authority or set of rules created for the purpose of administering the fund. My hon. Friend the Minister's amendment simply says that the rules shall be deemed to be statutes made under this Act. My difficulty is this. What are those rules? Can we by some referential legislation as it were make into statutes rules the existence or nature of which this Council has no

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[Mr. S. Satyamurti]

knowledge of? You will notice, Mr. President, that the Minister makes a statement that there are certain rules made and invites the House to give those rules statutory authority until they are replaced by statutes to be made, I take it, under this Act. My position is this. This House is accustomed to approve of rules placed before it, either by a section of the Act itself or by schedules annexed to it, that the rules framed hereafter shall have statutory power or in the alternative the House is quite familiar with giving power to Government to frame rules thereunder. But here we have an extraordinary procedure that a set of rules exists somewhere made by an authority under a section of the Act which has now been repealed, and the house is invited to approve all these rules. Is it in order to call upon this House to approve the rules the existence of which the House has no knowledge of? Moreover, I am in a difficult position in the absence of the Education Minister and his legal adviser the Advocate-General. To ask this House to give inferential statutory approval is, I say, not proper legislation. Moreover, we cannot give these rules the same position as statutes for the making of which elaborate provisions are to be observed. These statutes are to be made either by the Senate at the initiative of the Syndicate, or a member. Once they are made they have to be sent to the Vice-Chancellor for approval and it is only with the approval of the Chancellor such decisions become statutes. It seems to me inconsistent with the whole scheme of statutes under the University Act, that rules made with regard to a small fund for its management should become statutes and further this section also provides, Mr. President, that the rules with regard to the management of a fund cannot be altered or managed except by a fresh, elaborate process of amending the statutes."

* The hon. the PRESIDENT :—"I wish to know whether the question of making any rules as to the Affiliated College Fund is within the scope of the Bill introduced in the Council."

Mr. S. SATYAMURTHI :—"I am obliged to you for drawing my attention. When the motion for the omission of section 54 was made, undoubtedly the attention of the House was not drawn, to the best of my recollection, to any rules having been made or contemplated to be made. I therefore, with due deference to you, raise the point of order that the whole question of their statutory validity cannot be ex post facto raised at this state. I submit this for your consideration and ruling."

* Mr. ALLADI KRISHNASWAMI AYYAR :—"Mr. President, Sir, there are two points raised by the hon. Member for the University :—(1) A point of order based on the ground that the subject matter of the clause was not before the House in the earlier stages ; (2) there is no purpose served by the clause as the Council of Affiliated Colleges has been abolished."

"There is nothing in the first point. With regard to the second point section 54 was before the House. If that section is repealed it is germane to the consideration of that repeal to deal with the allied question as to what is to become of the Affiliated College Fund, and the rules which are in force with regard to the Affiliated College Fund."

"It is not correct to say that the whole of section 54 is repealed. As a matter of fact in another section provision is made for the Senate having the power to make regulations or rules with regard to Affiliated College Fund. Sub-clause (2) of clause 17 runs thus: The Senate has the power 'to create and manage an Affiliated College Fund and make statutes therefor.' Though the Council of Affiliated Colleges goes out, the Affiliated College Fund does

[Mr. Alladi Krishnaswami Ayyar] [30th January 1929]

not really go out. It is not right to say that the whole of section 54 is repealed. Section 54 as it stood, ran thus :

‘The Senate may on the recommendation of the Council of Affiliated Colleges and subject to the approval of the Chancellor, create an Affiliated College Fund and make rules as to its management.’

“Only the recommendation of the Council of Affiliated Colleges goes out, because among the general powers of the Senate, there is a provision to the effect that the Senate shall have the right to have an Affiliated College Fund. Strictly speaking, the whole of section 54 has not been repealed, but it is really the portion “on the recommendation of the Council of Affiliated Colleges and subject to the approval of the Chancellor” that has been repealed. Therefore, it was thought, as a matter of drafting, that it was unnecessary to repeat it here. I should certainly think that so far as the first point is concerned, the whole question was before the House and the question as to whether the Affiliated College Fund has to go out is before the House. Secondly, what was to become of the Affiliated College Fund, was also before the House. Then, which is the authority which has to deal with the Affiliated College Fund? That is before the House, because the Senate is given the power to make statutes in regard to the Affiliated College Fund.

“Therefore, I respectfully submit to the Chair, that so far as the first point is concerned, it was not before the House. As regards the other point, I take a different view and it seems to me to be unnecessary to have the present clause itself. For example, if a particular clause is repealed under the General Clauses Act, whatever rights and whatever machinery that then exist, will continue to be in work. The Senate has got the power to make statutes. The Senate can to-morrow make necessary rules for the purpose of regulating the Affiliated Colleges Fund. I should think that there is no necessity to have this new clause that is now sought to be introduced. At any rate, there is no harm in having it because it is merely *ex abundante cautela*. No doubt the Senate has got a right to constitute an Affiliated Colleges Fund for the future. I take it that the object of the amendment now sought to be introduced is to provide for the interregnum, to see that there is no dead-lock. The House has already acceded to the continuance of the Affiliated College Fund. The intention of the framers of the amendment is to provide for the interim period. It is impossible to take the view that the question of the Council of Affiliated Colleges was not before the House, simply because you repealed one section and put in another section and that the various sections relating to that were not before the Select Committee. I have not had the advantage of being present at the earlier stages of the discussion, but that is what occurs to me.”

* Mr. S. SATYAMURTI :—“I do not know if, in the light of the second part of the remarks of the hon. Advocate-General, the hon. Minister is going to withdraw his amendment. If he proposes to do so, I do not propose to address you. On the point of order, Mr. President, I am afraid that, with all my great respect for the profound knowledge of law which the Advocate-General, I know, possesses, I cannot really postulate with equal vehemence that it is impossible to take the other view. The other view, I submit, is completely tenable. On the ground that the question of the repeal of the Affiliated College Fund was before this House, you will remember, you were good enough to suggest whether the question of the rules to be made for the management of that fund under that section was before the House at any

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[Mr. S. Satyamurti]

previous stage. I submit, after having listened very carefully to the argument from my hon. Friend the learned Advocate-General, that I still feel that the question of the rules for the management of the Affiliated College Fund was not before the House at any of its stages. Sir, you will notice that the two relevant sections are sub-clause (2) of clause 17, which merely gives power to the Senate inter alia to create and manage an Affiliated College Fund, and section 37 which repeals completely section 54 of the Act. Therefore while these two sections taken together contemplate these two things, namely, the abolition of the fund and the power to make rules for its management on the one hand, and on the other, giving the senate, as the supreme governing authority of the university further to make statutes for the management of the fund, the question of the rules as such was not before the House at any stage, so far as I remember. Therefore, my point of order, which I submit for your consideration of the House is this."

* The hon. the PRESIDENT:—"The question is, when you are repealing a section, the rules made under it to control the funds that were raised under it are also by implication, for the consideration of the House, because the select committee will have to examine where actually provisions were made to give effect to the intentions of the repealing section and whereafter you repeal, you have to provide for all the fees, how to levy the fees, with whom they should vest and how they should be managed. That is also a matter for consideration, because the whole section has to be repealed."

MR. S. SATYAMURTI:—"That is a question of fact, Mr. President. As a matter of fact, at no time I was informed of this either by this hon. House or by the select committee of any rules having been made, the repeal of which was contemplated by this section."

* The hon. the PRESIDENT:—"I do not think we are not considering facts. Here is section 54 contemplating the creation of an Affiliated College Fund. That section is being repealed and therefore as to what has become of the fund raised under section 54 is also a matter connected with section 54. I therefore think that this is within the scope of the amending Bill."

* MR. S. SATYAMURTI:—"I merely want to dot the i's and cross the t's of the statement of the hon. and learned Advocate-General. He has given a complete answer against the continuance of this section on the statute book. If really it is clear—and I take it it is clear—I entirely agree with him that such machinery as may have been created for the management of this fund will naturally continue. Moreover, the section to which attention has been drawn, namely, section 17 (20), reinforces my point. As a matter of fact, there is no lacuna in the Bill at all. There is the statutory provision for the Senate which is the supreme statutory body to make statutes for the management of this fund. *Ex abundante cautela* may sometimes be used as an argument for justifying sections in a statute. The statute has already been passed and you must take it as a case in which the authors of the statute have put in that as a matter of abundant caution. When you are making a statute, it seems to me an unsound and weak argument to try to justify the clause, although you are convinced that it is *ex abundante cautela*. This is no doubt a weak argument advanced by the hon. the Chief Minister if he thinks that this clause must remain. I am sure he has been convinced as I am convinced by the speech of the hon. Advocate-General, that there is no need for this clause. In these circumstances, I want to ask the Chief Minister to consider whether he would withdraw it."

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The hon. Dr. P. SUBBARAYAN :—" In view of what the hon. and learned Advocate-General has said I beg to withdraw this amendment with the permission of the House."

* The hon. the PRESIDENT :—" The hon. Member has no right of reply, I think."

The hon. Dr. P. SUBBARAYAN :—" I was only going to say that I was going to withdraw."

The amendment was by leave withdrawn.

The Schedule.

The hon. Dr. P. SUBBARAYAN :—" I move—

' that in rule 1 of the schedule, for the words and figures " not later than the 31st March 1930 " substitute the words and figures " not later than the 31st day of March 1930 " . '

This is only a drafting amendment."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it, Sir."

The amendment was put and carried.

The hon. Dr. P. SUBBARAYAN :—" I move

*In rule 2 of the schedule in the second proviso, in line 1, for the word " however " substitute the word " also ", and after the same proviso, insert the following further proviso, namely :—
' Provided also that no election shall be held in the case of vacancies which would have had to be filled up by election by the Council of Affiliated Colleges under the said Act . '*

" This is necessary in view of the proposal to abolish the Council of Affiliated Colleges."

* Mr S. SATYAMURTI :—" I should like to ask my hon. Friend, the Chief Minister, if this is absolutely necessary I want to remind him, Sir, that yesterday an election was held to the Syndicate from the Council of Affiliated Colleges and Mr. Nilakanta Sastri was elected. Supposing some vacancy arises between now and the 31st March 1930, I do not see why an election should not be held to fill up the vacancy which will have to be filled up if the Council of Affiliated Colleges continues. I do not think there are really going to be very many difficulties and I do not want, Sir, that any statutory body created by this House should function with vacancies which will not be filled up. If it is a case of three months I would agree, but it is more than a year between now and 31st March 1930. I therefore appeal to my hon. Friend to withdraw this."

The hon. Dr. P. SUBBARAYAN :—" In view of what my hon. Friend has said, I have no objection to withdraw it, Sir."

The amendment was by leave withdrawn.

The hon. Dr. P. SUBBARAYAN :—" I move that—

' In rule 3 of the schedule in line 5, for the word " terms " substitute the word " term " . '

That is the word used in the rule and I only want to make it uniform."

The amendment was put to the House and carried.

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The hon. Dr. P. SUBBARAYAN :—“ I move—

In rule 4 of the schedule, in line 4, for the figure “ (i) ” substitute the letter “ (a) ”.

This is a consequential amendment, Sir.”

The amendment was put to the House and carried.

The hon. the PRESIDENT :—“ We have disposed of the amendments. Now the hon. the Chief Minister’s motion that the Bill be passed into law is for the consideration of the House.”

* Mr. J. A. SALDANHA :—“ Sir, I am not sure whether I can congratulate the hon. the Chief Minister on the shape of the Bill as introduced by him and to the shape it has taken at the conclusion. Originally the Bill was brought forward not only to get rid of the Council of Affiliated Colleges but also to get rid of the development of university centres. In fact in the original Bill even the definition of “ University centre ” was omitted. The object of the Bill was to deprive it of the character given to it in the original Act, that is to create and foster university centres. But I am glad to say that that character has been maintained.”

* The hon. the PRESIDENT :—“ I am afraid the hon. Member is speaking about the Andhra University. (Loud laughter).”

* Mr. J. A. SALDANHA :—“ No, Sir. The object we have got in maintaining the university is attained. It is true we have got rid of the Council of Affiliated Colleges.”

* The hon. the PRESIDENT :—“ Is there anything in the Bill referring to the development of university centres ? ”

* Mr. J. A. SALDANHA :—“ The hon. the Chief Minister wanted practically to get rid of the university centres. In the original Bill even the definition of university centres was omitted.”

* The hon. the PRESIDENT :—“ The Bill as amended is for the passing of the Council. I do not think the original Bill as introduced can form the subject matter of discussion at this stage.”

* Mr. J. A. SALDANHA :—“ Well, Sir, I cannot congratulate the hon. Minister and I have given the reasons for it. I am glad that the House has boldly voted for sufficient compensation to make up for the abolition of the Council of Affiliated Colleges, by means of compensatory clauses. The representative of the University in this Council, though he was forcing the abolition of the Council of Affiliated Colleges, had made ample provision by means compensatory clauses, to give sufficient representation of Affiliated Colleges in the Senate and in the other bodies of the University. Even though a mistake was committed in the Bill originally in the select committee stage as to one point, now in the third reading this omission has been made good by an amendment which was allowed by the hon. the President and the House. With these words, Sir, though I do not congratulate the ministerial party, I congratulate the House in bringing about an Act which I believe would answer the expectations and wishes of the people at large.”

* Mr. BASHEER AHMAD SAYIED :—“ Mr. President, Sir, I rise to oppose the motion of the hon. the Chief Minister. I do so especially in view of the fact that all the amendments that were passed today have not been the result of much mature consideration and deliberation by the members of the House. Many of the members, Mr. President, were not able to follow the amendments that were being proposed from time to time by the hon. the

4-45
p.m.

[Mr. Basheer Ahmad Sayeed] (30th January 1929)

Minister. They had not got the original Act with them. Probably it was supplied to them or it was not. Even if it was supplied, they did not bring it with them to this House. And then, the amending Bill itself was not before them in its complete form and if the amending Bill was supplied to them it should have been supplied to them pretty long ago and the same should have been republished for the benefit of all. All the same, members did not have copies with them when these amendments were moved and supposed to be discussed. And then, the amendments themselves were so many and varied that they could not be followed. Besides, Mr. President, there are two or three vital facts on account of which this Bill should not be allowed to be passed into law so quickly as that. The representation of the registered graduates has not been enlarged. It is the same 30. Then with regard to certain outside bodies, some bodies were arbitrarily given some representation, whereas others were not. For instance, the Madras Chamber of Commerce and the South Indian Chamber of Commerce were given representation but the Andhra Chamber of Commerce was not given any representation. Then again, the way in which the hon. the Chief Minister has treated the question of the inclusion the Principal of the Indian School of Medicine as one of the ex-officio members of the academic Council, is deplorable. By a motion the hon. Members of the opposition sought that the system of Indian Medicine should be given its proper place in the amending Bill, but the Minister opposed it tooth and nail, until at last it was shown to him that the opposition resented his conduct very strongly and he had at last to yield, and when he yielded once, he wanted to go back upon his previous position. Mr. President, the character of the Bill to a large extent is changed by the amendments and the character of the original Act is still more changed. (At this stage, the Chief Minister was talking with another Member.)

* The hon. the PRESIDENT :—"I have to point out again that you are causing inconvenience both to the Chair and to the members of the House. (A voice :—"It is a chronic disease.")"

The hon. Dr. P. SUBBARAYAN :—"I apologise to the Chair, Sir."

* Mr. BASHEER AHMAD SAYEED :—"I was mentioning that in view of the fact that there were very large changes made in the original Bill at the second reading stage and also to-day at the third reading, it is very necessary and desirable that before the Bill is passed into law some time should elapse and it should be republished if rules allow it for the sake of the members of this Council or at least copies of the Bill as amended should be supplied to the members of the Council, before they can give an intelligent vote as to whether they really feel that the changes in this Bill were so necessary, and if necessary whether the Bill should be passed into law at all. So it is that I oppose this Bill. I am also sorry that several of the amendments which involved very good principles as their basis and which were moved by the opposition were not accepted simply because the Minister felt he had a very big majority and could vote down even the most reasonable amendment, which he thought was not acceptable to him. I therefore hope, Mr. President, that the Minister will not insist on the passing of this Bill into law so quickly as that, especially in view of the haphazard way in which we have gone through the amendments this morning and evening."

* Mr. S. N. DORAI RAJA :—"Mr. President, even now I am one of those who think that the abolition of the Council of Affiliated Colleges is a great blunder. It was due to sentiment. . ."

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* The hon. the PRESIDENT:—"Order, order. I do not think hon. Members will be in order to reflect upon the vote of the House by referring to the various motions that were carried."

* Rajkumar S. N. DORAI RAJA :—"Sir, I congratulate the hon. the Minister for the skill with which he piloted this Bill through the Council against much opposition and obstruction. I congratulate him on this fact that the Academic Council was given the rightful place and was properly made the real academic authority of the University and on the other great improvements in the old Act."

* Mr. G. HARISARVOTTAMA RAO :—"Mr. President, Sir, I am particularly sorry that congratulations should have been showered upon the hon. the Minister for Education for the manner in which he has piloted this Bill through this House. At the third reading stage, Sir, we had eleven pages of amendments of which nine pages belonged to the hon. the Minister himself. At every stage during the passage of the amendments, wherever there was a substantial point that was raised, he had to yield to the opposition. (A voice:—"Friendly opposition".) It was a friendly opposition I agree, but a Minister in a responsible position when he brings forward amendments at the third reading stage, should bring in such amendments as are merely verbal and as are likely to be accepted by the whole House. He is not to bring in amendments, Sir, which require careful consideration, amendments which require time to think, and amendments on which a discussion would arise, more so when he has not made up his own mind as to the amendments that he should introduce. The fact that the Minister for Education conceded the points raised by the opposition time after time is proof positive that he did not devote any care to the drafting of the amendments that he proposed. Such a procedure is very strange and such a procedure can be tolerated only in an unfortunate country like this where Ministers rule with but three or four elected members at their back. It was time that the Ministers on the Treasury benches realized that they are responsible to their electorates, and to the country at large and desisted from asking us to pass legislation, to submit to their will and to sit idle when changes of an important character are being made, as in the present Bill, when they are riding rough-shod over the ordinary canons of legislative activity for any government. It is a wonderful feat that the hon. the Minister has performed in regard at any rate to one of the amendments that were moved. We are certainly not satisfied with the conduct of the Minister in the discharge of his duties. He has at his back a large number of votes for which we in the opposition can never be held responsible or for which the country can ever take any responsibility. And since he has such votes at his back, it must have been his desire to meet the opposition on all reasonable occasions. But in spite of that, on most vital matters that affect the country, on most vital matters that affect the national life of the Presidency, he was prepared to brush aside all reasonable opposition and exercise his strength, the strength that he possesses in virtue of the vote he has at his command."

* The hon. the PRESIDENT:—"The hon. Member will make a more relevant speech on the next occasion. The House will now adjourn and meet again at, 11 a.m. to-morrow."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.